





FLORIDA FISH & WILDLIFE
CONSERVATION COMMISSION
OFFICE OF INSPECTOR GENERAL
MEMORANDUM

DATE: November 19, 2015

TO: Case File

THROUGH: Mike Troelstrup 
Inspector General

Major Amy Schmidt 
Director of Investigations

FROM: Andrew Bickel
Investigative Captain

CC: Colonel Curtis Brown
Division of Law Enforcement

Major Brian Smith
Division of Law Enforcement

SUBJECT: 15-69Q Inquiry

On October 9, 2015, the Office of Inspector General received a complaint regarding the Big Cat Rescue Sanctuary located in Tampa, Florida. The complainant, who wishes to remain anonymous, believes that FWC inspection report number FWSW140FF15055 was "changed substantially...which makes the original violations go away."

Historical Synopsis:

The FWC Captive Wildlife Section held annual training for investigators November 3 -7, 2014, at the Embassy Suites in Tampa, Florida. At the conclusion of the training, three Investigators were asked to conduct an unannounced inspection of Big Cat Rescue (BCR) which is located in the Tampa area. Investigators from outside the FWC Southwest Region were specifically assigned to conduct the BCR inspection in an attempt to alleviate the belief held by a group of individuals within the captive wildlife community that FWC provided preferential treatment to BCR during previous inspections.

The team of FWC investigators consisted of Mike King¹, Rick Brown, and Shelby Williams. King was the investigator responsible for completing the inspection report.

¹ Investigator King retired from FWC on July 31, 2015.

Inquiry Findings:

The inspection of BCR referenced in the complaint was conducted on November 7, 2014, by a team of three FWC investigators, all of whom were assigned outside the FWC Southwest Region.

On November 10, 2014, King sent an email to Williams with a draft copy of the BCR inspection report attached. The attachment was titled *BigCatRescueBaskinCarol000MK*. This attachment was sent to Williams to review and to add his portion of the inspection to the report. Later that same day King sent a second email to several FWC personnel within the Captive Wildlife Section. The email stated, "All, Please look over and advise of any corrections that need to be made. I cannot send the word file due to it being so large. Let me know so I can send copy to permit holder." This email contained an attachment which was a draft form of the BCR inspection titled *BigCatRescueBaskinCarolROU11072014*. There were two additional internal emails sent on this day from Williams that had this same attachment.

On November 17, 2014, FWC Captain Kara Hooker sent an email to Howard and Carol Baskin of BCR asking when they would "be available for a conference call to discuss the recent inspection." Howard Baskin replied with a time and also stated,

FYI we made a list of things we can do based on the verbal comments of the investigators and have been working on them. We have also finally found a source and ordered 9 gauge tie wire to test. We just don't know if it will be possible to bend.

Later that same afternoon (November 17, 2014), Hooker sent Howard and Carol Baskin a copy of the draft inspection report titled *BigCatRescueBaskinCarolROU11072014* via email so they could discuss the findings during the telephone conversation.

On November 19, 2014, the draft copy of the BCR inspection report titled *BigCatRescueBaskinCarolROU11072014* was still being reviewed by FWC personnel within the Captive Wildlife Section and had not yet been finalized or approved. (Note: this was the same draft version sent to the Baskin's on November 17, 2014, by Hooker.)

According to telephone records, the conference call scheduled by Hooker occurred on November 21, 2014, at approximately 1:30 p.m. and lasted approximately one hour². In an informal telephone interview conducted on November 16, 2015, FWC Captain Leo Isambert stated he was on the conference call along with FWC Lieutenant Steve Delacure, FWC Investigator Mike King, FWC Captain Kara Hooker, FWC Major Ron Cave³, and Howard Baskin of BCR. Isambert stated he remembered that much of the discussion focused on items that were not violations of FWC rules but rather given as "suggestions and recommendations" by the investigators. Topics included, but were not limited to, the raking of the enclosures, debris on top of the enclosures, trees and tree limbs growing through the enclosures, and the use of heavier gauge wire to build the enclosures than is required by FWC rule.

² In November 2015, Captive Wildlife Section Leader Major Brian Smith questioned Hooker about the teleconference. Hooker told Smith she did not remember the call.

³ Cave is no longer employed by FWC.

On December 3, 2014, King sent an email to Hooker with an attachment titled *BigCatRescueBaskinCarolROU11072014-2*. In the body of the email King wrote, "Kara, I have attached the report with the discussed changes. Do you want to send this copy to Mr. Baskin?" Later that same afternoon, King sent an email to Carol Baskin. In the email King writes, "Mrs. Baskin, I have made the adjustments to the report⁴. Please look over them and provide me feedback if I have overlooked something." King attached the draft copy of the inspection titled *BigCatRescueBaskinCarolROU11072014-2* to this email.

On December 15, 2014, King sent an email to Howard Baskin explaining that he made additional changes to the draft inspection report. In the email string Baskin requested a copy of the draft report. King attached a draft copy of the inspection report titled *BigCatRescueBaskinCarolROU11072014-3*. Later that same day King sent Howard Baskin an email with "Final Report" in the subject line. This email contained an attachment titled *BigCatRescueBaskinCarolROU11072014-4*.

On September 15, 2015, the FWC Office of Inspector General Director of Investigations, Major Amy Schmidt, received a public records request via email from the complainant requesting a copy of the inspection report from BCR completed in August, 2015. Schmidt forwarded this request to the Captive Wildlife Section. On September 17, 2015, FWC Lieutenant Loren Lowers responded to the public records request via email. In the email Lowers writes, in part, that there was "no report taken" regarding the August 20, 2015, inspection of BCR referred to in the public records request. Lowers also writes in his response that "all prior violations have been corrected." The complainant then asked for the report referring to "prior violations" mentioned by Lowers. Lowers responded to this public records request on September 18, 2015, by emailing the *draft* copy of inspection report number FWSW14OFF15055 conducted on November 7, 2014 titled *BigCatRescueBaskinCarolROU11072014(002)* to the complainant.

On September 28, 2015, Schmidt again received a public records request from the complainant expanding the original public records request to four BCR inspection reports, including the report dated November 7, 2014. Schmidt forwarded this request to the Captive Wildlife Section.

Ricksha Jenkins, FWC Government Operations Consultant I in the Captive Wildlife Section, responded to the public records request via the FWC Public Records Request system WebQA. On October 1, 2015, Jenkins sent the complainant the three reports listed below:

- *FWSW14OFF13437BaskinBCR100214ReportLeopard* – regarding an inspection of BCR that occurred on October 2, 2014.
- *Big Cat RescueCaptiveWildlifeInspection10092014* – regarding an inspection of BCR that occurred on October 9, 2014.
- *BigCatRescueBaskinCarolROU11072014-4* – the *final* report of the inspection report number FWSW14OFF15055 that occurred on November 7, 2014.

⁴ Referring to the topics discussed during the teleconference.

On October 13, 2015, an informal interview was conducted with FWC Investigator Shelby Williams. He is assigned to the FWC Northwest Region and explained he remembered the BCR inspection and that upon their arrival at the facility he began inspecting the area with the "small cats" while Brown and King went to the area of the larger cats.

On November 16, 2015, a formal interview of Major Brian Smith was conducted at the FWC headquarters. The interview was recorded and an oath was administered. The following is a synopsis of Smith's statement which may contain paraphrasing:

Smith explained he has been the Section Leader for Captive Wildlife since May or June of 2015, and was not in the Captive Wildlife section during the time of the BCR inspection. When asked to explain how a captive wildlife facility inspection is typically conducted Smith explained that with "most facility inspections, it's typically done by a single investigator whose responsibility is that particular facility. Sometimes if the availability...is there they make take another investigator or sometimes even...an officer from patrol."

When asked if he knew why three investigators conducted the inspection at BCR on November 7, 2014, Smith stated,

I've been told that there was three taken on this inspection, and at least two of them were from outside of the area. I believe this was during a time when we were having some annual training...for Captive Wildlife...and because there'd been multiple complaints in a very short period of time on that facility that the decision was made to take some guys that were from outside the area, since they happened to be there...and conduct an inspection...

Smith then stated he did not know what the multiple complaints were that he referred to in the above statement.

When asked what constituted a "routine inspection" as denoted on the November 7, 2014, inspection form Smith stated, "A routine inspection would be inspection of the overall caging for all the animals and then any...animal welfare issues to see if the animals appeared to be healthy."

Smith then added,

FWC is primarily charged with caging and permitting and USDA⁵ is...charged with animal welfare however, we would be looking to make sure there were things like...available water, shade...comfort-type things for the animals or even...stimulation...we look at all those things but our primary focus is the public safety aspect of the caging and any appropriate paperwork that would go with it...

When asked about the agency philosophy as it pertains to captive wildlife, Smith explained, *Our goal and philosophy historically and to date is about compliance. We want people to be in compliance with our rules. First off, as they apply to public*

⁵ United States Department of Agriculture

safety. Making sure that the captive wildlife is securely enclosed in their enclosures to prevent escape. Next would be animal welfare, to make sure the... facility that they're kept in is clean and sanitary and the animals appear to be healthy. However, we're not vets...But it's all about compliance. When we go in and conduct the inspection, if we don't see something that is a gross violation that could very easily or readily lead to the escape of these potentially dangerous and exotic wildlife we handle that corrective action by letting the facility know that there is a violation...we bring that to their attention and advise them to correct it. If it's not something that's major...we, per our rule, give 30 days notice. Let them know that it needs to be corrected and give them 30 days to correct it and at that time we'll have another inspection and if it's not corrected by that time we typically take law enforcement action.

When asked if the facility inspectors could make recommendations or suggestions that the facility could be held to Smith explained,

If it's not something that's hard fast in rule, no, it's not necessarily something they would be held to. We make recommendations all the time based on things we see at other facilities...it wouldn't necessarily be a violation. If it's not in rule then we could not take law enforcement action on it.

When asked if he was aware of what took place during the inspection of BCR on November 7, 2014, Smith stated, "I have read the report and I've asked a few questions but I haven't gotten too much involved in it. But yes, I've read the report so I'm familiar with several of the things that are marked in the report."

Smith was then asked if he found anything wrong with the report, Smith explained, "Not with the report itself but with the way the report was...handled in between the draft version of it and the final version.

Smith then added,

I know...in the initial report there was a box checked, I believe its box number five on the cover sheet and I believe it has to do with sanitary conditions of the cage and I believe...that was initially checked because in the investigators mind checking that box is what he was referring to with debris, spanish moss and dead limbs, that were resting on the top of some of the cages. In the final report I believe that box is unchecked...because that box specifically talked to sanitary conditions and it also mentions, written in the report, that the facility was in a sanitary state when it was inspected. So I believe that's what the investigator was getting at with some of those things, spanish moss and dead limbs that are resting on top weren't a violation per se but because they could potentially be covering up something you wouldn't be able to see if there a problem in those areas where those materials...were resting.

When asked if it was typical for an inspector to discuss their findings with a facility owner, Smith explained,

Typically...depending on the size of the facility and maybe the length of the

inspection report...they may complete the inspection report right then and there and provide the facility owner with a copy or they may return to their... office... complete the report and then provide a copy of the report to the individual so they would know what violations were present and what they needed to work on within the next 30 days.

When asked if it was typical to meet with facility owners after an inspection occurred Smith explained,

I can't speak 100% to what we do every time because I don't know but as with anything, because this is more of a regulatory nature...and quite frankly sometimes we're wrong. Sometimes we misidentify things... Like one of the discrepancies that were in there (referring to the final copy of the November 7, BCR inspection report) is where we state that the area where the water bowl was that box wasn't made out of "x" gauge wire because it's supposed to be and the response from the facility was 'you're right, it was made out of a stronger gauge.'...so sometimes we get it wrong...I won't say that every time we have these conversations with people because sometimes people just... understand they are wrong; that they have this deficiency and need to correct it and those that believe that there's not a violation and want to explain why then we would have these conversations with these people...the burden would be on them to prove why we're not right in our assertion that there's a violation and they need to provide proof as to either why a material meets or exceeds as it says in the rule or we could be wrong, we misidentified something or we identified something that was truly not a violation by rule.

REPORT VERSION LIST FOR INSPECTION REPORT FWSW140FF15055

FWC File Names:

- *BigCatRescueBaskinCarol000MK* – November 10, 2014, from King - Draft
- *BigCatRescueBaskinCarolROU11072014* – November 10, 2014, from Williams - Draft
- *BigCatRescueBaskinCarolROU11072014-2* – December 3, 2014, from King - Draft
- *BigCatRescueBaskinCarolROU11072014-3* – December 15, 2014, from King - Draft
- *BigCatRescueBaskinCarolROU11072014-4* – December 15, 2014, from King – Final Report
- *BigCatRescueBaskinCarolROU11072014(002)* – September 18, 2015, from Lowers for Public Records Request
- *BigCatRescueBaskinCarolROU11072014-4* – October 1, 2015, from Jenkins for Public Records Request

Non-FWC File Names:

- *BigCatRescueBaskinCarolROU11072014-002-1* – October 9, 2015, from complainant – unknown version

CONCLUSION

It was alleged that inspection report number FWSW14OFF15055 was “changed substantially...which makes the original violations go away,” in reference to the FWC inspection conducted on November 7, 2014, at the Big Cat Rescue Sanctuary located in Tampa, Florida.

The complaint was based upon a comparison of a previously unknown draft copy of inspection report number FWSW14OFF15055 titled *BigCatRescueBaskinCarolROU11072014-002-1* to the final copy of the November 7, 2014, BCR inspection report titled *BigCatRescueBaskinCarolROU11072014-4*. Because of the unknown origins of file *BigCatRescueBaskinCarolROU11072014-002-1*, it was not considered for comparison during this inquiry.

It should also be noted that all file names for the inspection report FWSW14OFF15055 generated by FWC prior to *BigCatRescueBaskinCarolROU11072014-4* were draft forms of the report. It is reasonable to expect that a draft copy of a report would differ from the final copy therefore an equitable comparison cannot be done regarding the inspection report. There was only one final report for this inspection therefore no other comparisons could be done.

The complainant provided documentation comparing the final report copy of the November 7, 2014, inspection titled *BigCatRescueBaskinCarolROU11072014-4* to an unknown version of the draft report titled *BigCatRescueBaskinCarolROU11072014-002-1*. It is unclear where this last version of the report originated. FWC records show that the complainant was sent two files, *BigCatRescueBaskinCarolROU11072014(002)* and *BigCatRescueBaskinCarolROU11072014-4*. There is no FWC record of a draft copy of the November 7, 2014, inspection of BCR titled *BigCatRescueBaskinCarolROU11072014-002-1*.

This inquiry found no predicate that warranted further investigation. This inquiry is **CLOSED**.

PROGRAM RECOMMENDATIONS

It is recommended that the Division of Law Enforcement Captive Wildlife Section consider reviewing all relevant policies and procedures to maximize efficiency, ensure the accuracy of final work products and maintain consistency among all stakeholders.