



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
1740 N. Market Blvd
Sacramento, CA 95834
www.dfg.ca.gov
(916) 928-4665
Fax (916) 419-7586

EDMUND G. BROWN, Jr. Governor
CHARLTON H. BONHAM, Director



Certified Mail

February 2, 2012

Ms. Mary Cummins
Animal Advocates
645 West 9th Street, #110-140
Los Angeles, California 90015

**SUBJECT: NOTICE OF DENIAL OF YOUR 2011 APPLICATION FOR A NEW
NATIVE SPECIES EXHIBITING PERMIT**

Dear Ms. Cummins:

This letter is in response to your 2011 Native Species Permit Application requesting a new Native Species Exhibiting Permit (Exhibiting Permit) to possess an opossum (*Didelphis virginianus*), striped skunk (*Mephitis mephitis*), fox squirrel (*Sciurus niger*), and raccoon (*Procyon lotor*) for the purpose of exhibiting them. The Department of Fish and Game (Department) received your application on August 18, 2011

Permitting Standards

The Department may only issue a new Exhibiting Permit, renew a permit or add species to an existing permit if all of the following requirements and standards are met:

1. The applicant or its employees must meet all of the following requirements:
 - a. Be at least 18 years of age (Section 671.1(c)(1), Title 14, of the California Code of Regulations (CCR)).
 - b. Be a resident of California (Section 671.1(c)(1), Title 14, of the CCR).
 - c. Meet two years of minimum experience requirements themselves or continue to employ an experienced individual full-time who:
 - i. Have at least two years of full-time "hands-on" experience caring for restricted species at a facility engaged in an activity that is "similar or directly related" to that for which the permit is sought; the applicant must establish that he or she was directly involved in and responsible for the animals while the facility was engaged in the activity for which the permit is sought (Section 671.1(c)(1), Title 14, of the CCR).
 - ii. Have at least one year of full-time "hands-on" professional experience working with restricted species that are in the same family or a closely related taxonomic family as each of the species for which a permit is sought; the applicant must establish that he or she was directly involved in and

Conserving California's Wildlife Since 1870

- responsible for the animals while the facility was engaged in the activity for which the permit is sought (Section 671.1(c)(1), Title 14, of the CCR).
- iii. Only experience acquired within five years of the date of the initial permit application shall be considered (Section 671.1(c)(1), Title 14, of the CCR).
2. The applicant must submit all of the documentation, information and fees required as part of the application process, including a resume providing the dates and description of an applicant's experience or their full-time employee's experience, a letter of recommendations, and a nonrefundable \$101.50 fee for a new restricted species exhibiting permit (Sections 671.1(c)(2)(C), 671.1(c)(2)(C) and 703(a)(1)(A)(1), Title 14, of the CCR).
 3. The applicant must provide written certification from a veterinarian or the Department that caging has been inspected for animals to be acquired and the caging meets the minimum requirements; however, an inspection is not required until the application is approved (Sections 671.1(a)(2), 671.1(c)(2)(B) and 671.1(c)(7)(B), Title 14, of the CCR).
 4. The applicant must submit annually a copy of his or her current United States Department of Agriculture (USDA) License (Section 671.1(c)(2)(D), Title 14, of the CCR).
 5. The applicant must submit an emergency action plan for all animals listed on the application and it must be titled, have a revisions date, updated annually and include the following: (Section 671.1(c)(2)(J), Title 14, of the CCR)
 - a. List of the re-capture equipment available, including but not limited to darting equipment, nets, traps, and chemical immobilization drugs;
 - b. Description of humane lethal dispatch methods for various animals and a list of qualified personnel who are trained to carry out the methods;
 - c. List of medical supplies/first aid kits and where they are located;
 - d. Description of mobile transport cages and equipment on hand;
 - e. List of emergency telephone numbers that includes the local department regional office, 911, and animal control agencies; and
 - f. Written plan of action for emergencies.
 6. The applicant must submit a statement of purpose that describes the following as relevant:
 - a. A detailed planned use of each animal.
 - b. A client list with contact information or contracts with clients and their websites.

- c. Copies of scripts, brochures or flyers promoting or describing the planned use of the animals.
 - d. If animal(s) will be use in an educational program, provide an explanation why live animals are necessary and samples of the educational material and message that will be distributed.
7. The applicant must provide valid identification to obtain a license, tag, permit, reservation or other entitlement (Section 700.4, Title 14, of the CCR). Acceptable forms of identification for individuals include:
- Any license document or GO ID number previously issued via ALDS;
 - Valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile;
 - US Birth Certificate;
 - US Certificate or Report of Birth Abroad;
 - Tribal Identification Card, as defined by each sovereign tribal nation;
 - Birth Certificate or passport issued from a US Territory;
 - US Passport;
 - US Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel); or
 - Foreign government-issued photo identification.

Business applicants must provide documentation identifying the business' structure type. Acceptable forms of identification for businesses include:

- Articles of Incorporation;
 - Articles of Organization;
 - Certificate of Limited Partnership;
 - Statement of Partnership; Statement of Partnership Authority;
 - Registration as a Limited Liability Partnership; or
 - Statement of Sole Proprietorship.
8. The applicant must submit documentation from the California Wildlife Rehabilitation Facility's licensed veterinarian stating why the animal to be acquired is unsuitable for release into the wild, but suitable for education purposes.
9. The applicant's planned activities must otherwise be in compliance with the caging, feeding and watering, veterinary care and other requirements found in regulations (Section 671 to 671.6, Title 14, of the CCR and Section 671.1(c)(4), Title 14, of the CCR).
10. The information submitted on or document submitted with an application must be true, accurate and not misleading (Fish and Game Code (FGC) Section 1054(a)).

11. The applicant must have complied with the terms and conditions of another permit, the FGC, and regulations adopted pursuant to the FGC including but not limited to Sections 671-671.6, Title 14, of the CCR (Section 671.1(c)(4)(A)(1), Title 14, of the CCR).

Your Application

On September 1, 2011, the Department sent a letter (copy enclosed) to you citing several deficiencies in your application, including: 1) your failure to provide an Native Species Exhibiting Permit Inventory of Animals and submit a proper application form, 2) submitting insufficient documentation to allow the Department to determine if you are in the business of exhibiting animals for educational purposes; and 3) submitting an insufficient Emergency Action Plan. The Department provided you with an additional 30 days to correct these deficiencies. On September 30, 2011, the Department received additional materials from you in response to the Department's September 1, 2011 letter.

Reasons for Denial

1. The Department has determined that you submitted false, inaccurate, or otherwise misleading information on your application.

FGC Section 1054(a), states that "It is unlawful to submit, or conspire to submit, any false, inaccurate, or otherwise misleading information on any application or other document offered or otherwise presented to the department for any purpose, including, but not limited to, obtaining a license, tag, permit, or other privilege or entitlement pursuant to this code or regulations adopted thereto.

Section 671.1(c)(4)(A)(1), Title 14, of the CCR, authorizes the Department to deny the issuance of a permit if "the applicant or permittee has failed to comply with terms and conditions of a permit or any provision of the Fish and Game Code or regulations adopted pursuant thereto." As described below, the Department is denying your application partly part because you have committed several violations of FGC Section 1054(a).

a. **Curriculum Vitae** - The document titled "Curriculum Vitae" (CV) that is required pursuant to Section 671.1(c)(2)(C), Title 14, of the CCR, and was submitted with your application, includes several items that are false, inaccurate, or otherwise misleading information.

- i. Under the "Professional licenses, permits past and present" section of the CV also contains false, inaccurate, or misleading information. You stated that among the permits you possess, you have had a "2001 CA Department of Fish and Game Wildlife Rehabilitation Permit." Department records indicate your wildlife rehabilitation permit was first issued in 2003 or 2004, not 2001. You make a similar statement in a letter to Kathi Kline, dated August 8, 2011, in which you stated, "I have been a permitted wildlife rehabilitator since 2001." You also stated that, "You possessed a 2003 CA Department of Fish and Game Educational Animal Permit" and a "2010 CA Department of Fish and

Game Coyote Rehabilitation Permit." The Department has never issued such permits.

- ii. Under the "Publications, Articles" section of the CV, you listed the following manuals among your publications that are "Accredited by the CADFG". The Department has never accredited these manuals.
 - A. "2004 Rehabilitation of tree squirrels manual. Accredited by CADFG"
 - B. "2004 Rehabilitation of ground squirrels manual. Accredited by CADFG"
 - C. "2004 Rehabilitation of skunks manual. Accredited by CADFG"
- iii. Under the "Experience" section of the CV, you listed "2003 Department of Fish and Game cleanup of Tiger Rescue, volunteer Deputy Warden." The Department has never had a volunteer Deputy Warden program.

- b. **Animal Advocates - Animal Education** - The document titled "Animal Advocates - Animal Education" submitted with your application contains false, inaccurate, or otherwise misleading information, when stating "We also offer Department of Fish and Game small mammal classes a few times a year." Department records do not show that you "offer" or teach any Department small mammal classes, nor is there any record that you have ever offered or taught any Department-sponsored small mammal classes. While you do teach at least one Department-approved wildlife rehabilitation training session each year, these are not a "Department-sponsored small mammal classes" Department involvement in your classes consists solely of approving proposed class outlines that you submit to the Department before you teach them to ensure they are consistent with the law (Section 679(f)(8), Title 14, of the CCR). The curriculum, instructional materials, funding, selection of class location and time, advertising (if any), and instruction of the classes are all conceived, created, and carried out by you, not the Department.

2. Your application is missing the following information and documents:

- a. Valid identification for you and/or the business (Section 700.4, Title 14, of the CCR);
- b. The resume and letter of recommendation you provided lack enough specificity to allow the Department to determine your specific work responsibilities, the amount of time spent at each position (full-time vs part-time). This deficiency was mentioned in the September 1, 2011 letter to you from the Department. In addition, you did not provide the dates in which your paid or volunteer experience was acquired within the past five years at a restricted species exhibiting facility (Sections 671.1(c)(2)(C) and 671.1(c)(2)(C), Title 14, of the CCR); and
- c. The New Native Species Exhibiting Permit Application submitted is incomplete for the following reasons:
 - i. The question asking if you were applying as an individual, business or both was not answered;
 - ii. The veterinarian did not provide an inspection date within six months of the application; and

Ms. Mary Cummins
February 2, 2012
Page Six

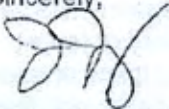
- iii. You did not indicate on the application if you were applying for the Native Species Exhibiting Permit as an individual who has the qualifications or a business employing someone with the qualifications.

For the reasons stated above, your application for a Native Species Exhibiting Permit is hereby denied, pursuant to Section 671.1(c)(4)(A)1, Title 14, of the CCR. Your voided check is enclosed.

Appeal

You may appeal this decision by filing a written request for an appeal with the Fish and Game Commission, at 1416 Ninth Street, Sacramento, California 95814, no later than 30 days after the date of the proof of service accompanying this notice of denial. The request must include all information listed in Section 671.1(c)(6), Title 14, of the CCR.

Sincerely,



James Fong, Chief
License and Revenue Branch

Enclosures

cc: Mr. Sonke Mastrup
Fish and Game Commission
Sacramento, California