

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Dean Oswald, an individual,) AWA Docket No. 22-J-0001
Jewel Oswald, an individual,) 22-J-0002
and Oswald’s Bear Ranch, LLC,) 22-J-0003
)
Respondents.) COMPLAINT

REC'D - USDA/OALJ/HCO
2021 OCT 7 8:30 AM

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 thereunder (9 C.F.R. § 1.1 et seq.)(Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Dean Oswald is an individual whose business mailing address is 13814 County Road, 407, Newberry, Michigan 49868. At all times material herein, Respondent Dean Oswald was a principal in or agent of Respondent Oswald’s Bear Ranch, LLC (“OBR”), was an exhibitor as that term is defined in the Act and the Regulations, and held AWA license 34-C-0123 as an “individual.”

2. Respondent Jewel Oswald is an individual whose business mailing address is 13814 County Road, 407, Newberry, Michigan 49868. At all times material herein, Respondent Jewel Oswald was a principal in or agent of Respondent OBR, was an exhibitor as that term is defined in the Act and the Regulations, and held AWA license 34-C-0123 as an “individual.”

3. Respondent OBR is a Michigan limited liability company (No. 801762564), whose registered address is 13184 Country Road, 407, Newberry, Michigan 49868, and whose registered agent is Dean Oswald, 13184 Country Road, 407, Newberry, Michigan 49868. At all times

mentioned herein, Respondent OBR was an exhibitor, as that term is defined in the Act and the Regulations and did not hold an AWA license.

ALLEGED VIOLATIONS

4. On or about April 15, 2019, Respondents willfully violated the Regulations, 9 C.F.R. §2.100(a), by failing to meet the Standards, as follows:

a. Respondents failed to provide outdoor housing that was structurally sound and in good repair to protect their animals from injury and contain their animals, specifically, Respondents housed their bears in a primary enclosure from which two bears scaled the primary fence of the enclosure and the perimeter fence of the facility and escaped to outside the facility. 9 C.F.R. § 3.125(a).

5. On or about June 23, 2021, Respondents willfully violated the Regulations, 9 C.F.R. §2.100(a), by failing to meet the Standards, as follows:

a. Respondents failed to provide wholesome, palatable food free from contamination and of sufficient nutritive value to maintain all animals in good health and prepared with consideration for the age, species, condition, size and type of the animal, specifically, Respondents fed their bears restaurant scraps, donated meat, produce and dog food as well as food high in fat and caloric content for the time of the year. 9 C.F.R. § 3.129(a).

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

6. Respondent Dean Oswald and Respondent Jewel Oswald operate a moderately sized business. In July 2020, Respondent Dean Oswald represented to APHIS that Respondents had thirty-nine (39) bears at their facility. In June 2021, Respondents represented to APHIS that they had forty-one (41) bears at their facility.

7. The gravity of the violations alleged in this complaint is great. The allegations herein include the escape of dangerous animals, specifically, two bears, from Respondents' facility. Respondent Dean Oswald discovered one of the bears outside of the perimeter fence and was unaware a second bear had also escaped. The second bear went so far as half a mile to a mile to the home of Respondents' neighbor, Ray Holbrook, where the bear ripped off screen windows and climbed on Holbrook's car. This second bear was shot and killed by a Deputy of the Luce County Sheriff's Department. The escape of the bears presented a danger to the public as well as to the bears themselves.

8. Respondents have not shown good faith. Respondent Dean Oswald provided multiple statements related to his knowledge of the bears' escape. Respondent Dean Oswald represented to APHIS officials that a power outage from about 9:00 PM April 13 or 14, 2019 to 6:00 AM April 15, 2019 allowed the bears to escape from their enclosure. This conflicts with Respondent Dean Oswald's statements to the Luce County Sheriff's Department, Holbrook's account of the weather on and around April 15, 2019 when the bear appeared on his property, data from the United States Department of Commerce, National Oceanic & Atmospheric Administration, National Environmental Satellite Data Report, and outage alerts from Respondents' electric company that a power outage impacting Luce County began and ended on April 12, 2019. Respondent Dean Oswald's statements to APHIS officials contained false information as to when and for how long the bears had escaped from Respondents' premises.

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 respondent. Respondents shall file an answer with the Office of the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400

Independence Avenue, SW, Washington, DC 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint. APHIS requests that this matter proceed in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149) and warranted under the circumstances.

Done at Washington DC
this ____ day of _____ 2021

ANTHONY SHEA Digitally signed by ANTHONY SHEA
Date: 2021.09.17 15:21:33 -04'00'

Kevin Shea
Administrator
Animal and Plant Health Inspection Service

Danielle Park, Esq.
Attorney for Complainant
Marketing, Regulatory, and Food Safety Programs Division
Office of the General Counsel
United States Department of Agriculture
14th & Independence Avenue, S.W.
Room 2330 South Building
Washington, D.C. 20250
(202) 878-0730
danielle.park@usda.gov