

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

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December 12, 2023

Kevin Shea
Administrator
USDA-APHIS

Via email: kevin.a.shea@aphis.usda.gov; ac.complaints@usda.gov

Re: Request to Terminate Carson & Barnes Circus’s Animal Welfare Act License (No. 73-C-0001) for Violation of State Law

Dear Administrator Shea:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) terminate the Animal Welfare Act (AWA) license issued to Carson & Barnes Circus (License No. 73-C-0001) for violation of Nevada’s Dangerous Wild Animals law, as evidenced by a Notice of Violation issued by the Washoe County Regional Animal Services (WCRAS) in August 2023.

On March 17-19, 2023, Carson & Barnes provided and handled two elephants—Viola and Kelly—for Jordan World Circus (JWC) at the Reno Sparks Livestock Event Center, 1350 North Wells Avenue, Reno, Nevada 89512. At these events, Carson & Barnes handlers repeatedly forced Viola and Kelly to give rides to attendees, resulting in direct contact between these elephants and members of the public.

Exhibit	Event Date	Description
1	03/17/2023	Photo posted to Terri Penland’s Facebook showing two young girls riding an elephant at the first day of JWC’s circus in Reno.
2	03/18/2023	Photo posted to Janet Thompson’s Facebook showing at least five children riding an elephant at JWC’s circus in Reno.
Video 1	03/19/2023	Video posted to Amber Whiteaker’s Instagram showing six children riding an elephant on the final day of JWC’s circus in Reno.
3	03/19/2023	Photos posted to Jennifer Carrillo’s Facebook showing several individuals riding elephants on the final day of JWC’s circus in Reno.
Video 2	03/19/2023	Video posted to Jennifer Carrillo’s Facebook showing at least nine individuals riding an elephant on the final day of JWC’s circus in Reno.
4	03/19/2023	Photo posted to Gary Thomas’s Instagram showing an individual riding an elephant on the final day of JWC’s circus in Reno.
5	03/19/2023	Photo posted to Shelby Mangum’s Instagram showing five people riding an elephant on the final day of JWC’s circus in Reno.

PETA FOUNDATION IS AN OPERATING NAME OF THE FOUNDATION TO SUPPORT ANIMAL PROTECTION.

ENTITIES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

Nevada’s Dangerous Wild Animals law prohibits direct contact between a dangerous wild animal—defined to include elephants—and members of the public. NEV. REN. STAT. §§ 574A.014, 574.040. Direct contact is defined as “physical contact with or a situation of physical proximity where physical contact is possible with a dangerous wild animal.” *Id.* § 574A.016. This includes activities such as riding an elephant. *See* Ex. 6 (Oct. 25, 2023, Email from Robert Wooster, WCRAS, to Jonathan Morris, PETA Found.) (“the

intent of the law is no contact, no riding, etc.”).

The USDA may terminate a license for any reason that would require it to deny a license application. 9 C.F.R. § 2.12. Those reasons include when a licensee “has been found to have violated any . . . State . . . laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals, or is otherwise unfit to be licensed.” *Id.* § 2.11(a)(7). WCRAS issued a Notice of Violation to JWC in August 2023 for “allow[ing] members of the public to come in contact with two elephants . . . by riding them” in violation of NEV. REV. STAT. § 574A.040. *See* Ex. 7 (Notice of Violation).

JWC’s license (No. 88-C-0062) was cancelled in October 2007, and JWC currently possesses no elephants of its own. Rather, Carson & Barnes provided Viola and Kelly to JWC for these events, and Carson & Barnes’s handlers conducted the unlawful elephant rides that led to WCRAS issuing a Notice of Violation to JWC. As such, the violation of Nevada law outlined herein occurred under Carson & Barnes’s Class C exhibitor license by handlers employed by Carson & Barnes. Carson & Barnes, therefore, should be held accountable for the unlawful conduct that occurred under its license by its own employees. PETA respectfully requests that the USDA exercise its discretion and terminate Carson & Barnes’ license for its violation of Nevada law.

Thank you for your attention to this important matter. Please inform me of the complaint number the agency assigns to this correspondence.

Very truly yours,



Emily Lively
Counsel, Captive Animal Law Enforcement



Attachments