

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
–Florence Division–**

People for the Ethical Treatment of Animals, Inc.,  
Matthew Howard; and Lexie Jordan,

*Plaintiffs,*

v.

Waccatee Zoological Farm; Kathleen Futrell (in her  
individual capacity and as the personal  
representative of the Estate of Archie Futrell); Jeff  
Futrell; Dakota Futrell Stienecker; and Austin  
Futrell,

*Defendants.*

Civil Action No. 4:22-cv-01337-JD

**DECLARATION OF BRITTANY PEET**

I, Brittany Peet, hereby state as follows:

1. I am General Counsel, Captive Animal Law Enforcement at the PETA Foundation. I am over the age of 18 years and competent to testify to the facts set forth below. I have personal knowledge of the facts and matters set forth below.

2. On September 7, 2022 I became aware of reports of the closure of Waccatee Zoological Farm (“Waccatee”), as well as the disappearance of animals normally visible from public vantage points. After receiving further information corroborating these reports—including from local media outlets and from Plaintiffs Lexie Jordan and Matthew Howard—I retained, on behalf of Plaintiff People for the Ethical Treatment of Animals, Inc. (“PETA”), Global Investigative Services, Inc. (“GIS”), a South Carolina corporation and licensed detective agency on September 9, 2022.

3. I assigned GIS with making further observations of Waccatee from public vantage points. Specifically, I assigned GIS with determining—occasionally, throughout that weekend—if transport

vehicles were present at Waccatee and, if so, to document the vehicles, including make, model, license plate information, description of persons present, and animals observed. PETA's goal in doing so was to further corroborate the reports referenced above and to discover, to the extent possible, where and by whom animals kept at Waccatee were being transported.

4. Attached as Exhibit A is a true and accurate copy of an image provided to PETA by GIS. I understand, based on my personal knowledge, that the individuals pictured therein are Jeff Futrell and Scottie Brown, the owner of a facility called Zootastic Park of Lake Norman based in Troutman, North Carolina ("Zootastic").

5. Attached as Exhibit B are true and accurate copies of images provided to PETA by GIS. I understand, based on my personal knowledge, that vehicles depicted therein, including in the image clearly showing an animal being transported, bear logos and other identifiers associated with Zootastic.

6. Attached as Exhibit C is a factsheet produced and distributed by PETA regarding Zootastic. Factsheets such as this are routinely created by staff under my supervision for use and distribution by PETA, and are routinely updated by my staff in the ordinary course of business based on my staff's routine monitoring of publicly available information, including but not limited to inspection reports issued by the United States Department of Agriculture, relating to captive animal facilities at or near the time of their discovery of such information.

7. On September 12, 2022 I attempted to visit Waccatee's website. The website no longer appears to exist. I also tried to call a publicly listed phone number for Waccatee and received no answer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of September, 2022, in Lansing, Michigan.

**Brittany Peet** Digitally signed by Brittany Peet  
DN: cn=Brittany Peet, o=FSAP,  
ou=Captive Animal Law Enforcement,  
email=brittany@petaf.org, c=US  
Date: 2022.09.12 11:17:11 -0400

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Brittany Peet

# **EXHIBIT A**



# **EXHIBIT B**











Saturday, September 10, 2022 07:26PM

# **EXHIBIT C**

# Zootastic Park of Lake Norman

448 Pilch Rd., Troutman, NC 28166

**Zootastic Park of Lake Norman, owned by Scottie Brown, has failed to meet minimum federal standards for the care of animals used in exhibition, as established by the Animal Welfare Act (AWA). The U.S. Department of Agriculture (USDA) has cited the facility for failing to provide animals with adequate veterinary care, failing to maintain housing facilities in a structurally sound manner that prevents injury to the animals, and “euthanizing” rabbits by hitting them with hammers. There have been several incidents at Zootastic in which animals escaped from enclosures, including two capybaras, 20 goats, and a kinkajou who was killed by a lion club. In addition, two humans were injured by animals at the park: A man was bitten by a tiger cub when the park allowed improper handling of the cub by the public, and a woman was hospitalized after an attack by a wildebeest. In November 2016, the USDA issued Zootastic a penalty of \$7,450 for numerous violations of the AWA.**

**March 11, 2022:** The USDA issued Zootastic a critical citation for failing to provide a lemur, a De Brazza’s monkey, and a capuchin monkey with adequate shelter and appropriate heating during several very cold days. The three primates were housed in enclosures that provided “an unmonitored level of heating and the animals were not confined to warmed shelters during periods of severe cold.” Temperatures of 21, 19, 25, and 22 degrees respectively, were recorded for the four days in January when the incidents occurred. All three primates experienced

frostbite injuries. “The lemur’s hand was injured and remain[ed] contracted while the De Brazza’s and capuchin suffered the loss of their tail tips,” the report said.

The USDA also issued Zootastic a repeat citation for failing to address suspected black mold in the binturong enclosure. At the time of inspection, dark brown/black material was visible across about a quarter of the ceiling.

The facility was further cited for failing to maintain the howler monkey enclosure in good repair. During the inspection, the young howler monkey was seen hugging a live electric cord that was connected to a heating pad. Another citation was issued because the facility was not following the attending veterinarian’s directions of care and not involving them in the initiation of medical treatment, which indicated that the attending veterinarian did “not have the appropriate authority to provide adequate veterinary care to the animals at this facility.” The attending veterinarian “expressed concerns by phone about the facility staff’s lack of follow-through and documentation of delivery of medications and/or treatments prescribed for the animals.” Staff did not use the necessary forms or document medical treatments so that the attending veterinarian could evaluate the animals’ care. Records from October 21, 2021, to March 8, 2022, detailed “five instances of staff initiating antibiotic and/or medical treatment for animals without prior consultation with the [attending veterinarian].” The USDA also cited the facility for failing to have acquisition and disposition records for 21 animals and for failing to have an adequate number of attendants during periods of public contact with animals. During the inspection, the facility was seen to hold public contact sessions with numerous visitors and only one attendant available. In addition, the doors to the public contact area and the animal enclosures therein, the

## Zootastic Park of Lake Norman

primary enclosure in the upper barn, and the large barn in the drive-through area that contained dangerous ungulates were not locked to prevent unattended patrons from entering.

**August 12, 2021:** The USDA issued Zootastic a repeat citation for failing to provide the following animals with adequate veterinary care:

- A Prevost's squirrel whose tail was amputated because of ongoing self-mutilation had a 1-centimeter-by-2-centimeter wound on the tail. The attending veterinarian had not been made aware of the wound before the inspection.
- Three wolves had open wounds and thick scabbing along the tips of their ears, consistent with chronic flystrike. The wolves were not under the medical care of the attending veterinarian, who had not been notified of the severity of the wounds.

Zootastic also received a repeat citation for failing to have an effective "pest" control program. Multiple rats were seen feeding from the fresh produce bowl in the cavy/chicken enclosure.

**July 29, 2021:** The USDA issued Zootastic an official warning and notice of alleged violation for failing to have an adequate program in place for veterinary care and the daily observation of all animals to assess their health and well-being. (See the March 30, 2021, entry.)

**June 15, 2021:** The USDA cited Zootastic for failing to clean the primate enclosures properly. The squirrel monkey, patas monkey, red-handed tamarin, vervet, and spider monkey enclosures contained excessive amounts of feces and debris build-up. The facility was also cited for failing to keep two enclosures in good repair, resulting in a risk of injury to animals – one of the elevated ramps in the lynx

enclosure had a decomposing, crumbling board with an exposed, approximately 1-inch-long nail or screw protruding, and the shelter in the goat/llama petting zoo area had an approximately 2-inch-long exposed metal edge at about shoulder height to the animals. The USDA also cited Zootastic for failing to have an effective program for "pest" control. An excessive number of flies were present in the food preparation area, baby room, and multiple enclosures.

**March 30, 2021:** The USDA issued Zootastic a direct citation for failing to identify that five goats on public display in the petting zoo were significantly lame. The attending veterinarian stated that she hadn't been notified of these lame goats and no corrective actions had been initiated for them.

**January 6, 2021:** The USDA issued Zootastic a repeat citation for storing three containers of excessively moldy strawberries in the food preparation cooler.

**November 13, 2019:** The USDA cited Zootastic for failing to handle a 6-month-old tiger named Sheldon as carefully as possible with minimal risk of harm to the animal and the public while exhibiting at the Sheldon's K9s Fall Festival in Mooresville, North Carolina, on October 12, 2019. Video footage from the event showed that the tiger remained lying on his or her side, panting and mostly unresponsive to external activity. When stimulated, the tiger did not respond with normal feline behavior. This may have been because of general exhaustion, heat exhaustion, and/or sedation, and exhibiting the tiger in this condition could harm the animal's health and well-being. The tiger weighed approximately 50 pounds at the time and was restrained by a harness and leash without sufficient physical barriers to protect both the animal and the public.

**April 3, 2018:** The USDA cited Zootastic for repeat violations for failing to discard

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expired drugs and failing to store produce properly. The inspector noted that it was spoiled and stored on shelves contaminated with brown grime and white filmy material. Zootastic was also cited for allowing unsupervised public feeding and contact with animals.

**November 17, 2016:** The USDA issued Zootastic a penalty of \$7,450 for nine violations of the AWA, including for failing to have adequately trained employees experienced in animal handling (a wildebeest charged and attacked an employee, causing major injuries requiring surgery), failing to maintain an adequate perimeter fence without gaps around the drive-through area, failing to construct enclosures in a way that prevents escapes (a kinkajou escaped and was killed by a lion cub), failing to maintain structurally sound facilities, failing to maintain complete and accurate acquisition and disposition records, failing to remove excess buildup of fecal material in enclosures housing chinchillas, failing to keep the premises clean, failing to store food properly, and failing to provide the following animals with adequate veterinary care: a tiger with an exposed tail wound, a liliger with significant hair loss over approximately 40 percent of his body, and a tiger cub with significant swelling around her eyes, yellow ocular discharge, and patches of hair loss.

**September 26, 2016:** The USDA cited Zootastic for failing to have an adequate barrier fence to prevent direct contact between the public and the hyenas and failing to repair the following items: broken fencing and protruding wires in the enclosure housing a porcupine, deteriorating wood in the enclosure housing pigs, exposed insulation in the enclosure housing raccoons, sharp wire ends in the enclosure housing tigers, and protruding screws in the enclosure housing a camel, a llama, and an eland. The facility was also cited for a repeat violation for failing to store

food properly. The food-storage area contained multiple bags of food that were torn open or chewed through, and food that had been spilled onto the floor had become moldy.

**July 5, 2016:** The USDA cited Zootastic for repeat violations, including failing to maintain accurate acquisition and disposition records for multiple animals, failing to remove an excessive buildup of fecal material from two enclosures housing chinchillas, and failing to clean the treatment room and food-preparation room properly. They contained grime, litter, spilled medications, dirty walls, and an excessive buildup of dust.

The facility was also cited for failing to provide the following animals with veterinary care: a tiger with a tail wound that was at least six days old and was bleeding during the inspection; a liliger with significant hair loss over approximately 40 percent of his body and areas of thickened, reddened skin on his paws; and a tiger cub with swelling around her eyes, a yellow ocular discharge, and two areas of hair loss on her rear quarters. The facility was also cited for having four expired medications present in the treatment area; failing to shear approximately 25 llamas and alpacas and 14 sheep who had long, heavy, and/or matted coats; failing to have records of disposition for several tiger cubs available for inspection; failing to clean the water receptacle in the enclosure housing the macaque, which had dirty water, brown film, and floating pieces of debris; failing to label items in the freezer with the content and date; failing to store feed and bales of hay properly; failing to provide the lions and cougars with adequate shade from the sun; and failing to have proper ventilation in the enclosure housing the lions. Both the cougars and the lions were panting.

**May 19, 2015:** The USDA cited Zootastic for a repeat violation following a kinkajou

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escape that occurred on February 3, 2015, in which the kinkajou was killed by a lion cub. The facility was also cited for failing to document births and acquisitions properly and failing to clean the following areas properly: the barn housing the giraffes, which had a large wet area and piles of feces; the enclosure housing the tigers, which had piles of old feces, feathers, dirt, and evidence of rodents; the enclosure housing alpacas and a pony, which had a wet areas and feces; the enclosure housing goats and pigs, which had a pile of dirty bedding and dried-up feces; and multiple other areas throughout the facility with excessive amounts of feces.

**March 13, 2015:** The USDA cited Zootastic for failing to provide records of acquisition for animals who were taken to an offsite location.

**February 11, 2015:** The USDA cited Zootastic for a repeat violation for failing to maintain the following structures in good repair: a wall separating camels from other animals that had a hole in it, a pasture with an area where animals could access a large amount of scrap metal and miscellaneous items, and areas of the enclosure housing the servals with “wire panel points” sticking into the housing area.

**November 5, 2014:** The USDA cited Zootastic for repeat violations for failing to repair gaps under the perimeter fence and failing to maintain sufficient enclosures to contain the animals, resulting in the escape of two capybaras. The facility was also cited for failing to have properly trained employees and failing to have sufficient barriers between the public and animals, which allowed a wildebeest to charge at an employee, causing major injuries requiring hospitalization and surgery.

**September 10, 2014:** The USDA cited Zootastic for failing to prevent the escape of approximately 20 goats who were running

loose in the public area, failing to repair gaps under the perimeter fence and the fence around the hyenas, and failing to provide two capybaras with a pool of adequate size for their aquatic needs.

**April 10, 2014:** The USDA cited Zootastic for failing to clean a room housing multiple animals. It had trash on the floor and a strong odor.

**January 6, 2014:** The USDA issued an official warning to Zootastic for operating as an exhibitor after its USDA license had been canceled.

**November 15, 2013:** The USDA cited Zootastic for failing to have proper public barriers for over 35 animals (a small child was knocked down by a bison who hit the fence); failing to repair structural defects, gaps, holes, and missing panels on multiple enclosures; failing to store feed bags properly, some of which had holes from vermin; failing to clean a walk-in cooler that had an unpleasant odor and contained unsealed “damp and stained” produce; failing to provide a zebra with adequate shelter from inclement weather; failing to have adequate perimeter fencing for the enclosures housing a bear and hoofstock; and failing to clean the following areas: an enclosure housing hoofstock that contained an accumulation of feces, portions of the walls in the enclosures housing kinkajous and lemurs that had dirty smears, and areas of the enclosure housing the porcupine that had numerous mice.

**July 31, 2013:** The USDA cited Zootastic for having numerous flies in the feed-storage room.

**March 28, 2013:** The USDA cited Zootastic for leaving a door unlocked to a room housing a lion cub in the gift shop and improperly handling animals—a customer was allowed to lie on the floor with a white tiger cub and was bit on the nose. The

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facility was also cited for failing to dispose of spoiled food, failing to store raw meat properly, failing to keep food-storage areas clean and free of odor, failing to maintain the enclosure housing the rabbits in good repair (five or six rabbits escaped), and failing to provide a goat with a diet to maintain good body condition. The goat had recently given birth and was observed to be thin, with sunken flanks, visible ribs, and thin hindquarters.

**March 27, 2013:** The USDA issued an official warning to Zootastic for violations committed between May 18, 2011, and June 14, 2011, including failing to have a complete written program of veterinary care, failing to comply with the veterinary-care program, failing to have sufficient barriers between animals and the public, failing to provide animals with appropriate shelter from weather conditions, and failing to establish and maintain acquisition and disposition records.

**December 13, 2012:** The USDA cited Zootastic for purchasing an adult zebra from an individual who wasn't licensed by the USDA, housing guinea pigs outdoors in 30-degree temperatures without approval, housing guinea pigs and prairie dogs together, failing to store raw meat properly, and failing to provide goats with a shelter that was large enough for all of them.

**June 14, 2011:** The USDA cited Zootastic for killing seven rabbits by hitting them on the head with a hammer, as that isn't an acceptable method of euthanasia. The facility was also cited for repeat violations for failing to dispose of expired drugs, failing to test the blackbuck annually for tuberculosis, failing to have acquisition paperwork for a vervet monkey, failing to have a sufficient barrier around the enclosures housing coatimundis, and failing to have a barrier around a tiger cub. The inspector observed the tiger cub climbing out of the pen several times. The facility

was also cited for failing to repair gaps in the perimeter fence surrounding a tiger.

**May 18, 2011:** The USDA cited Zootastic for failing to include all animals in the written program of veterinary care; failing to perform fecal tests on animals every quarter (a capybara died in January 2011 from internal parasites); failing to dispose of expired drugs; failing to have an acquisition record for a vervet monkey; failing to have sufficient barriers for a coatimundi, a bear cub, and a 4½-week-old white tiger cub who was too young for public contact; failing to provide two rabbits with a sufficient amount of floor space; failing to have a sufficient barrier surrounding a vervet monkey; failing to test a monkey, who is used for public contact, for the herpes B virus and tuberculosis; failing to have an experienced primate handler with the monkey during public contact; failing to provide for the social needs of a singly housed monkey; failing to store feed properly; failing to provide a bear cub with clean water; and failing to use suitable material in the enclosure housing a bear cub. The enclosure had only chicken wire mesh across the front of the cage, and the bear had rubbed against it so much that there was a raw spot on his nose. The facility was also cited for a repeat violation for failing to provide six alpacas with shelter from the elements.

**January 20, 2011:** The USDA cited Zootastic for failing to provide a llama with shelter from inclement weather.

**November 16, 2010:** The USDA issued an official warning to Zootastic for violations committed between June 9, 2010, and August 23, 2010, including failing to establish and maintain programs of adequate veterinary care and failing to have sufficient barriers between animals and the public.

**September 22, 2010:** The USDA cited

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Zootastic for failing to have a written program of veterinary care for new veterinarians to evaluate, failing to maintain records of death for a goat and a prairie dog, and failing to demonstrate adequate experience with and knowledge about two juvenile tigers.

**August 23, 2010:** The USDA cited Zootastic for failing to have an updated program of veterinary care addressing new species, failing to consult a veterinarian about a vaccination/deworming program for a thin 13-week-old tiger cub, failing to provide an extremely thin goat with veterinary care (the animal reportedly hadn't been eating well), failing to demonstrate adequate experience with and knowledge about two juvenile tigers, failing to have an attendant present to supervise public contact with animals, failing to have a primary enclosure for two rabbits who were running loose in the barn area, failing to store feed bags properly (they were open and had mouse droppings next to them), and failing to provide goats, sheep, and donkeys with adequate shelter. The facility was also cited for a repeat violation for failing to have a public barrier present for the coatimundi, the porcupines, the serval, and two juvenile tigers. "One young calf" had ringworm lesions and, because of a lack of an adequate barrier, could possibly spread the condition through contact with the public.

**June 9, 2010:** The USDA cited Zootastic for failing to have public barriers for a coatimundi and porcupine and failing to have a health certificate, an adequate public barrier, and an enrichment plan for two rhesus macaques. The facility was also cited for a repeat violation for housing a coatimundi in an enclosure that only had chicken wire covering the front, with small holes that could allow rain to drip in. Coatimundis are strong diggers, and chicken wire is not appropriate caging material.

**January 14, 2010:** The USDA cited Zootastic for failing to house a kangaroo in an enclosure that allowed adequate freedom of movement, failing to store food properly, and housing two porcupines in an enclosure with exposed points from a broken wire, which could injure them.

**July 27, 2009:** The USDA cited Zootastic for failing to have a completed program of veterinary care, failing to have a barrier around the enclosure housing the coatimundi, and failing to have a perimeter fence surrounding all enclosures.

**July 21, 2008:** The USDA cited Scottie Brown for selling several mammals, including a camel, a kangaroo, and nilgai, at an auction without a USDA license.