



**THE HUMANE SOCIETY
OF THE UNITED STATES**



**HUMANE SOCIETY
LEGISLATIVE FUND™**

December 14, 2023
Kevin Shea
Administrator
U.S. Department of Agriculture
Animal and Plant Health Inspection Service

[REDACTED]

Dear Administrator Shea,

On behalf of the Humane Society of the United States (HSUS) and Humane Society Legislative Fund (HSLF), we request that the U.S. Department of Agriculture Animal and Plant Health Inspection Service (USDA) investigate apparent Animal Welfare Act (AWA) violations by Larry Wallach, dba Sloth Encounters (AWA License No. 21-C-0069). We further request that the USDA terminate Mr. Wallach’s AWA license for operating in violation of local law; making false statements to the USDA; and violating federal, state, and local laws relating to the transportation, ownership, welfare, or neglect of animals.

The following apparent AWA violations are detailed in the attached appendix and were documented by an HSUS investigator on November 4, 2023, at Sloth Encounters, located at 551 Veterans Memorial Hwy, Hauppauge, NY:¹

- Housing incompatible sloths together;
- Managing sloths with physical abuse and causing them stress and trauma;
- Allowing public handling of sloths, capybaras, and a kangaroo in a manner that risks harm to the animals or the public;
- Inappropriate type and manner of feeding sloths; and
- Failure to provide suitable housing or enrichment for sloths, capybaras, a kangaroo, and a cockatoo.

[REDACTED]

As further detailed in the attached appendix, Mr. Wallach has repeatedly violated local laws relating to the ownership and welfare of animals; pled guilty to state criminal charges regarding the transportation and ownership of animals; made false statements to USDA officials; and been repeatedly cited by the USDA for AWA violations pertaining to the ownership, neglect, or welfare of animals. AWA regulations state that a “license will not be issued to any applicant who . . . [i]s or would be operating in violation or circumvention of any Federal, State, or local laws”; who has “made any false or fraudulent statements . . . to the [USDA]”; or who “has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals.” 9 C.F.R. §§ 2.11(a)(6), (7). The USDA may terminate a license “for any reason that a license application may be denied.” 9 C.F.R. § 2.12.

Accordingly, the HSUS and HSLF request that the USDA (1) investigate Larry Wallach’s apparent AWA violations and (2) terminate his AWA license for numerous violations of local, state, and federal law.

Very truly yours,

[REDACTED]

Laura Hagen
Director, Captive Wildlife
The Humane Society of the United States

[REDACTED]

[REDACTED]

Danielle Palermo
Regulatory Specialist, Federal Affairs
Humane Society Legislative Fund

[REDACTED]

¹ Hauppauge is a hamlet of the town of Islip, New York.

APPENDIX

I. Larry Wallach has violated numerous Animal Welfare Act regulations relating to the care, treatment, and housing of regulated animals

An HSUS investigator visited Sloth Encounters (located at 551 Veterans Memorial Hwy, Hauppauge, NY) on November 4, 2023 and engaged in sloth, capybara, and kangaroo encounters. The investigator observed and contemporaneously recorded multiple apparent Animal Welfare Act violations at the facility, as detailed below.

A. Housing incompatible sloths together

The HSUS investigator observed that seven sloths were housed in a room that measured approximately 9 feet deep by 6 feet wide. The investigator observed and documented a fight between two sloths, which occurred on branches directly above employees and members of the public participating in the sloth interaction. Video, Clips 2-3. One sloth (Priscilla) pursued another (Eddie) who appeared to attempt to retreat. When Eddie had no space left to retreat, the sloths engaged in a fight that lasted approximately fifteen seconds while an employee repeatedly struck them with a water bottle, ultimately causing Priscilla to fall to the floor. *Id.* The sloth who fell retreated to a corner, and the sloth who did not fall retreated to the other side of the room. *Id.*

At least one of the sloths, Eddie, appeared to sustain an injury from the incident. After the fight, an employee can be seen looking at Eddie and heard repeatedly stating “. . . she got him . . . she got him under the chin.” Video, Clip 4. Mr. Wallach then roughly grabbed and pulled Eddie by the head and neck to view his chin. What appeared to be an open wound on Eddie’s chin and torn flesh on his nose were visible. *Id.*

Comments captured by the investigator appear to show that Mr. Wallach and members of his staff were aware of a history of fighting amongst the animals. Early in the recorded encounter, Mr. Wallach advised a male customer that, “[w]hen the males fight, I have to come in and separate them. I get bit. They go at it. But that’s normal.” Video, Clip 11. In response to a question from the investigator about whether the sloths often fight, a female employee responded, “Eddie. With everybody . . . he’s just that bully . . . we call him ‘the bully.’” Video, Clip 1. After Mr. Wallach entered the room in response to the fight between the animals, he asks, “Are they fighting? That’s what sloths do.” Video, Clip 3. And when an employee described the fight to Mr. Wallach, he appeared to nod affirmatively, responding “that’s what they do.” *Id.* Jay Pratte, animal welfare and behavior consultant, reviewed the video footage and observed, “staff are armed with spray bottles to deter conflict between individual animals . . . which implies that this is not an uncommon occurrence.”²

Mr. Pratte noted that these physical conflicts are a predictable outcome of how the sloths are housed, observing that “there are too many sloths in the sloth enclosure for the space, height, and minimal complexity within the enclosure.”³ Because “[s]loths are not a gregarious or ‘social’ species . . . forced proximity in overcrowded surroundings would result in competition for resources within their own ‘territory.’”⁴ The sloths’ enclosure provides only “minimal concealment opportunities for these animals to evade one another or visitors if they choose,” exacerbating conflict.⁵ The “observable aggression between individual animals and the consequent injuries” are evidence “that the population density is too high for such a small area.”⁶ Mr. Pratte notes that “the

² Jay Pratte, *Statement from expert regarding animal care deficiencies at Sloth Encounters*, Nov. 24, 2023 (Ex. A).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

staff can be heard discussing ‘scabs’ [on the animals] from previous injuries,” and while it is unclear exactly “how the previous injuries occurred . . . there is a high chance that injuries occur regularly between individuals.”⁷

Moreover, this “inability to avoid conflict and evade other animals or customers would create psychological distress” in the animals.⁸ “Repeated exposure to overpopulated conditions, conflict with other animals, and an inability to evade contact or conflict with humans or other animals are all factors contributing to chronic psychological distress . . . [which] results in permanent neurological changes and long-term physical health and psychological learning issues.”⁹

We request that the USDA inspect the sloth enclosure, the injured sloth, Eddie, as well as Priscilla who fell to the floor, and their veterinary records, and ensure that they are receiving adequate veterinary care from a qualified veterinarian, pursuant to 9 C.F.R. § 2.40. Housing sloths who are known to be incompatible together in the same primary enclosure violates 9 C.F.R. § 3.133, which requires that “[a]nimals housed in the same primary enclosure must be compatible” and that “[a]nimals shall not be housed near animals that interfere with their health or cause them discomfort.”

B. Using physical abuse and causing stress and trauma to sloths

During the chase and fight described above, an employee sprayed the sloths in the face with a water bottle and struck the sloths with the hard plastic head of the water bottle, hitting the animals more than 20 times with progressive force. Video, Clip 3. This use of force appeared to cause one sloth, Priscilla, to fall to the floor. *Id.* After the other sloth, Eddie, retreated to a corner of the room, Mr. Wallach grabbed the sloth by the head and neck and pulled his head toward him. Video, Clip 4. During this encounter, Eddie opened his mouth, struggled against the restraint, and reached out and attempted to claw Mr. Wallach. *Id.* As detailed above, at least one of the sloths, Eddie, appeared to sustain an injury as a result of the fight and/or the aversive measures used by staff in an attempt to stop the fight.

These kinds of punishment and handling techniques cause trauma and stress to the animals. According to Mr. Pratte, “[p]unishment techniques impair both short- and long-term learning. Repeated use leads to chronic distress, permanent physiological changes, and impairs long-term learning and coping mechanisms. The animals may also experience injuries from the use of physical punishment methods.”¹⁰ The use of physical abuse that appeared to cause a sloth to fall to the ground may also cause trauma and stress. The USDA has documented at least one case in which a fall resulted in a sloth’s death.¹¹

The punishment and handling techniques used to manage the sloths at Sloth Encounters violate 9 C.F.R. § 2.131(b)(1), which requires that handling of all animals “be done as expeditiously and carefully as possible in a manner that does not cause trauma . . . behavioral stress, physical harm, or unnecessary discomfort,” and 9 C.F.R. § 2.131(b)(2)(i), which states that “[p]hysical abuse shall not be used to train, work, or otherwise handle animals.”

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ U.S. Department of Agriculture, Inspection Report, City Goat Farm & Zoo Inc., 91-C-0141, Dec. 10, 2019 (citation for violation of 9 C.F.R. § 2.131(a): young sloth’s cause of death determined to be “blunt force trauma to the head, most likely resulting from [a] fall” after she fell from a climbing structure).

C. Allowing and encouraging public handling of sloths, capybaras, and a kangaroo in a manner that risks harm to the animals or the public

Our investigator observed and documented multiple apparent handling violations at Sloth Encounters that risk harm to the animals or the public. Sloth Encounters allowed the public to hold or handle adult sloths, a pregnant sloth, and a juvenile sloth in a manner in which the sloths could bite a member of the public, in which the animals could be dropped, or which could cause the animals stress. Sloth Encounters also permitted unrestrained and unmonitored public contact with a kangaroo and two capybaras, a practice which could risk harm to both the animals and the public.

- During the sloth fight, a female customer—who held another sloth in her arms—was seated directly under the fighting animals and remained seated while the employee hit the sloth with the water bottle. Just before one of the sloths fell to the floor, the employee motioned for the customer to move. Video, Clip 3.
- As the investigator entered the store, they documented a customer seated by the door holding a sloth against her chest in a manner that could allow the animal to bite her. Video, Clips 15-18. The same customer continued to hold the sloth in a similar manner during the encounter in the sloth room. Video, Clips 6-8. The sloth appears to attempt to bite the customer at least twice. Video, Clip 7. In response, the staff member can be heard saying “he’s a little frisky,” and Mr. Wallach says, “no bite.” *Id.*
- A juvenile sloth sat on a child’s lap without any support, a manner that could have allowed the sloth to slide to the floor. Video, Clips 9-10.
- A sloth clung to a female employee who is holding food with her hands and not providing the animal with any support. *Id.*
- Mr. Wallach instructed a male customer to let go of a large sloth that was clinging to the man’s body. Video, Clip 13. When the man appeared to hesitate, Mr. Wallach again instructed the man to remove his arms as support. *Id.* The man removed his arms and Mr. Wallach then twice instructed him to walk around with the sloth without supporting the animal. *Id.* As observed by Mr. Pratte, this practice “risk[s] injury to the animals if guests startle or move unexpectedly, potentially injuring an animal or allowing it to fall to the ground.”¹²
- Mr. Wallach indicated to a customer that one of the female sloths is pregnant and advised the customer that they could “rub her belly.” Video, Clip 12. He stated that “she is so pregnant she doesn’t even want to fight” and points the customer to where the sloth is located. *Id.* A photo taken by HSUS investigator shows that the pregnant sloth also appears to be injured and that her leg is wrapped in medical tape. Photo sheet, Photo 1.¹³ Mr. Pratte opined that “this animal should be allowed to isolate herself and not be subjected to constant customer attention/contact. Repeated exposure to . . . an inability to evade contact or conflict with humans or other animals . . . contribut[es] to chronic psychological distress,” which results in “permanent neurological changes and long-term physical health and psychological learning issues.”¹⁴
- An unrestrained kangaroo was allowed free access to the storefront, which could permit the kangaroo to escape, as evidenced when the kangaroo charged and nearly ran into the glass front door. Video, Clip 22. No one appeared to be monitoring the front door. While the kangaroo was loose, customers attempted to feed the kangaroo and engage in apparently unmonitored public contact. *Id.*
- The public was allowed to enter cages alone for encounters with the kangaroo and capybaras, without staff monitoring the encounters and/or controlling the animals. Video, Clips 19-20, 23. The kangaroo nipped the investigator when they were alone in the enclosure with the animal. Video, Clip 20. No staff member appeared to be available or attending the capybara encounter as the investigator left the enclosure. Video, Clip 24. A customer facilitated their exit by opening the external cage lock, and Mr.

¹² Ex. A.

¹³ Ex. B.

¹⁴ Ex. A.

Wallach, the only staff person visible in the room, can be seen around the corner facilitating an encounter with the cockatoo. *Id.*

Regarding the sloth encounters, Mr. Pratte noted that the “constant exploitation by staff through allowing public invasion of their enclosure, poorly monitored contact by customers, and inappropriate handling creates situations that these animals are not genetically predisposed to adjust to. The animals can be observed stretching out limbs to reach branches when being clutched and petted by visitors. The animals’ attempts to remove themselves from unwelcome situations are ignored to the point where they can be observed attempting to bite customers and staff. An inability for sloths to remove themselves from situations that cause anxiety, fear, or aggression results in acute and chronic distress.”¹⁵ Regarding the kangaroo and capybara encounters, Mr. Pratte advised, “[t]here is a high risk of disease and injury to the animals through unavoidable contact with guests . . . Kangaroos and capybaras, both in the wild and under human care, are documented to have injured people. Bite wounds are serious and can lead to significant infections and health complications in humans.”¹⁶

The public handling practices at Sloth Encounters place the animals and the public at risk and appear to violate AWA regulations that require that all animals “be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public” during public exhibition, 9 C.F.R. § 2.131(c)(1), and that an “employee or attendant must be present at all times during periods of public contact,” 9 C.F.R. § 2.131(d)(2). The USDA has cited other facilities for similar practices, noting the risk the practices pose to both animals and the public.¹⁷

D. Inappropriate type and manner of feeding sloths

Sloth Encounters appeared to be feeding sloths an inappropriate diet. When asked what the sloths usually eat, Mr. Wallach described the sloths’ diet as “brown rice, butternut squash, carrots, zucchini, sweet potato, grapes, peaches, bananas, and those . . . things.” Video, Clip 9. Mr. Wallach motioned to the floor, in what appears to be a reference to a metal bowl containing peanuts or a type of small biscuit. Video, Clip 14. The metal bowl and a bowl of water are kept on what appeared to be a slick concrete floor, an unsuitable substrate for a sloth to navigate.¹⁸ The sloths were also fed contaminated food that had fallen to the floor. Video, Clip 10.

As Mr. Pratte observed, “[t]he proffered diet described by the owner/staff is not representative of sloth’s genetically predisposed and physiological needs, nor does it represent best practices in either the zoo or private industries . . . Sloths are primarily folivorous and require diets heavy in leaves and fiber from whole-leaf sources to maintain proper GI and overall health . . . This facility is offering inappropriate foods (i.e., fruit, rice) as the bulk of the animals’ diet . . . Failure to follow community standards will result in poor health and wellbeing of the animals, will likely shorten their lifespan, and can lead directly to death.”¹⁹

Sloth Encounters’ feeding practices appear to violate AWA regulations that require that food be “free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health” and that food

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ U.S. Department of Agriculture, Inspection Report, Oak Meadow Productions, 74-C-1123, July 19, 2023 (citation for violation of 9 C.F.R. § 2.131(c)(1): “The facility is allowing the public to hold an adult sloth. The sloth could easily bite someone on the neck with the way it is held. Sloths have the potential to inflict serious bites that can become easily infected and/or serious scratches with their long claws if they become agitated or scared. There is also the potential for the sloth to become injured if a child or adult accidentally drops the animal.”).

¹⁸ See U.S. Department of Agriculture, Inspection Report, Richard Pennington and Bonnie Cromwell, 93-C-0684, May 5, 2023 (describing a video of a sloth “walking on all four feet on a slick floor. . . .The video shows that the animal was down on a hard surface in an ambulatory posture that is not normal for the species, and the animal was looking for a place to climb and was in distress” and citing exhibitor for a violation of 9 C.F.R. § 2.131(b)(1)).

¹⁹ Ex. A.

receptacles be “located so as to be accessible to all animals in the enclosure . . .” 9 C.F.R. §§ 3.129(a), (b). We request that the USDA ensure that the sloths and all animals at Sloth Encounters are being fed an appropriate nutritive diet and have sufficient access to their food.

E. Failure to provide suitable housing or enrichment

The capybaras’ enclosure contained a 7-gallon metal bucket, which appeared to be barely the length of the capybaras’ bodies, contained no water, and was filled with a sizeable amount of excrement. Photo Sheet, Photo 2;²⁰ Video, Clips 21-23. Capybaras are a semi-aquatic species who must be provided with an adequately sized pool for swimming and immersion.²¹ Failure to provide a pool with clean water for the capybaras is a violation of 9.C.F.R. § 3.131(a), which requires that excreta be removed from primary enclosures as often as necessary, and 9 C.F.R. § 3.128, which requires that enclosures have sufficient space to “allow each animal to make normal postural and social adjustments with adequate freedom of movement.” The USDA has cited exhibitors for failing to provide water features for capybara that are large enough for them to submerge themselves, specifying that “[i]n order to allow the capybara to make normal postural and social adjustments typical of their species, their enclosures shall be constructed and maintained so as to provide them access to enough water to be able to safely submerge themselves.”²²

The kangaroo, the capybaras, and two sloths were exhibited in stressful and inadequate environments in the primary business area of the facility. Two sloths (one juvenile and one adult) were held near the doorway that the public appears to use for entering and leaving the facility, placement which could expose the sloths to cold, drafty conditions. Video, Clips 15-18. The kangaroo and the capybara enclosures are located immediately inside of Sloth Encounters’ main exterior door, which could expose the animals to cold, drafty conditions throughout the business day on a seasonal basis. Video, Clips 16-19. The investigator observed that the kangaroo and capybara enclosures contained no enrichment items and were lined with fake grass. Mr. Pratte noted that the kangaroo and capybara spaces are “very small and lacking in environmental complexity” and that “[n]o appropriate substrates are present that would allow the animals to engage in species-typical behaviors.”²³ Mr. Pratte also opined the kangaroo and capybara enclosures at Sloth Encounters pose a particular concern because “[k]angaroos and capybaras are both reclusive species that are currently housed in a high traffic area with no appropriate means to evade customer attention. There is only one open shelter space for the two capybaras, which provides no opportunity for evasion or concealment as visitors are allowed to walk right into the animals’ space. The small enclosures and lack of environmental complexity provide minimal opportunities for either the kangaroo or capybaras to engage in natural species-typical behaviors. These circumstances likely create acute and chronic psychological distress.”²⁴ Video, Clip 18. Exhibiting the animals in these stressful and inadequate environments violates AWA regulations that require that animals be exhibited only “under conditions consistent with their good health and well-being” and that “appropriate measures must be taken to alleviate the impact of [climatic] conditions” on the animals. 9 C.F.R. §§ 2.131(d)(1), (e).

²⁰ Ex. B.

²¹ U.S. Department of Agriculture, Inspection Report, Christian Lilienthal, 41-C-0237, Dec. 19, 2017 (exhibitor cited pursuant to 9 C.F.R. § 3.128 because the capybara enclosure did not include space for water for swimming and immersion and detailing that “[c]apybara are a semi-aquatic species and spend much time in the water. A space for water in the enclosure allows the Capybaras to satisfy a behavioral preference. Inadequate space to express normal behaviors can lead to stress and abnormal behavioral patterns.”).

²² U.S. Department of Agriculture, Inspection Report, Claude and Jon Conley, 63-C-0271, Aug. 8, 2017 (exhibitor cited pursuant to 9 C.F.R. § 3.128 for housing two capybaras in an enclosure without a “water feature large enough for them to be able to submerge themselves,” and finding a small round feeding-receptacle-like tub with only a few inches of clear water insufficient); *see id.*

²³ Ex. A.

²⁴ *Id.*

The kangaroo had access to t-shirts and a cloth pouch that hung from the exterior or interior of the cage, and both the kangaroo and the capybaras appear to have access to fake plants that line two sides of the lower exterior portion of the cages, all of which could cause gastrointestinal obstruction if ingested. Video, Clips 16, 18. Failure to maintain enclosures in good repair, including in such a manner that allows the animal access to items that could be harmful if ingested, violates 9 C.F.R. § 3.125(a).²⁵

Sloths appear multiple times on video scratching themselves. Video, Clips 5, 8. Sloths are very sensitive to temperature and humidity, and the enclosures must be maintained within specified temperature and humidity levels to support the animals' overall health.²⁶ Failure to maintain appropriate environmental conditions in a sloth enclosure violates 9 C.F.R. § 3.126(a), which regulates ambient temperatures in indoor housing. In fact, in 2023, the USDA cited Mr. Wallach for failing to provide appropriate humidity in the sloth enclosure at Sloth Encounters.²⁷ The inspector noted that one sloth was seen scratching at his skin, but ceased doing so once the humidity level in the enclosure was corrected to the appropriate range.

A singly housed cockatoo made continuous, loud vocalizations throughout the investigator's visit which subsided when the animal was released from a cage. Video, Clips 12, 15-17, 23 (vocalizations); Video, Clip 24 (vocalizations subside when animal is out of cage). Mr. Pratte noted that the cockatoo "is a highly social species, with the genetic expectations of living within a large flock and regularly interacting with other birds." 9 C.F.R. § 3.154 requires exhibitors to "develop, document, and follow a species-appropriate plan for environment enhancement adequate to promote the psychological well-being of birds," which must address the social needs of bird species (such as cockatoos) that are known to exist in social groups in nature. The physical environment in birds' primary enclosure "must be enriched by materials or activities that would provide the birds with the means to express non-injurious species-typical activities." 9 C.F.R. § 3.154(b).

We request that the USDA inspect all regulated species at Sloth Encounters immediately to ensure that the animals are being provided with sufficient, clean, and adequately enriched housing consistent with their good health and well-being and in accordance with the AWA.

II. Larry Wallach's history of violations of local, state, and federal law and regulations disqualify him from holding an AWA license.

The USDA may terminate a license if the licensee "[i]s or would be operating in violation or circumvention of any . . . local laws"; has made false statements to the USDA; or "has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals." 9 C.F.R. §§ 2.11(a)(6), (7).

²⁵ See U.S. Department of Agriculture, Inspection Report, Bridges for Brain Injury Inc., 21-C-0350, Mar. 24, 2022 (citation for violation of 9 C.F.R. § 3.125(a) after a lethargic and ill wallaby died and a necropsy "found a blue cloth like material impacting the stomach that had been consumed by the animal."); Cathy A. Johnson-Delaney, DVM, Dipl ABVP (Avian), *Practical Marsupial Medicine*, Association of Exotic Mammal Veterinarians (AEMV) Sessions, 2006 Proceedings, Session #130, page 59, "Specific problems seen with house wallabies include ... gastrointestinal obstruction due to ingestion of foreign material such as carpet or towels ...", available at <https://www.yumpu.com/en/document/read/44061713/association-of-exotic-mammal-veterinarians-aemv-sessions>.

²⁶ U.S. Department of Agriculture, Inspection Report, Larry Wallach, 21-C-0069, Aug. 15, 2023; U.S. Department of Agriculture, *Housing Two-Toed Sloths*, AC-21-002, April 2021.

²⁷ U.S. Department of Agriculture, Inspection Report, Larry Wallach, 21-C-0069, Aug. 15, 2023.

Larry Wallach has a substantial history of operating in violation or circumvention of local law; making false statements to the USDA; and violations of federal, state, and local laws relating to the transportation, ownership, and welfare of animals, and so his AWA license should be revoked.

A. Violations of local law

July 25, 2022 – citations and orders to remedy violations of local law relating to possessing and keeping prohibited wild animals, zoning, and fire codes. Following an inspection of the Sloth Encounters facility, the Town of Islip’s Bureau of Fire Prevention issued four notices of violation and orders to remedy for violations of:

- the town animal code (possessing and keeping prohibited sloths at the premises);
- the town zoning code (using the premises as an animal exhibit, a manner inconsistent with the issued certificate of occupancy); and
- the town fire code (failing to maintain fire extinguishers, failing to provide carbon monoxide alarms, and failing to install electrical panel covers on the premises).²⁸

August 29, 2022 – citations and notices to appear for violations of local law relating to possessing and keeping prohibited wild animals, operating a wild animal exhibition, and zoning violations. The chief fire marshal issued Sloth Encounters four additional violations and notices to appear for violations of:

- the town animal code (possessing and keeping prohibited sloths at the premises, which was open for public viewing and interaction, an illegal use of the premises);
- the town zoning code (using the premises as an animal exhibit, a prohibited manner not expressly permitted within the zoning district and in a manner inconsistent with the certificate of occupancy); and
- the town fire code (using the property as an animal exhibit housing multiple sloths and being open for public viewing and interaction without inspections for occupancy and without a certificate of occupancy or compliance).²⁹

September 15, 2022 – temporary restraining order issued by the Supreme Court of the State of New York. The order enjoined Sloth Encounters from “publicly exhibiting, possessing or harboring wild animals in any location within the Town of Islip” following continued violation of town code.³⁰

March 30, 2023 – preliminary injunction issued by the Supreme Court. The decision and order dismissed Sloth Encounters’ motion to dismiss the complaint and ordered the business to “immediately cease any operations that are a violation [of] the Town of Islip code.”³¹

²⁸ Town of Islip, Animal Code § 12-23; Town of Islip, Zoning Code § 68-25B-1; Town of Islip, Fire Code §§ 19-31, 915.3(c)(1), 605.1; Compl., *Town of Islip v. 777 Chris’s Way LLC et al.*, Index No. 22-200389, ¶¶ 20-22 (N.Y. Sup. Sep. 13, 2022) (Ex. C); Compl., *Town of Islip*, Index No. 22-200389, Exhibit E (Ex. D).

²⁹ Town of Islip, Animal Code § 12-23; Town of Islip, Zoning Code §§ 68-289.1, 68-25B-1; Town of Islip, Fire Code § 19-17; Ex. C, ¶ 27; Compl., *Town of Islip*, Index No. 22-200389, Exhibit I (Ex. E).

³⁰ Order to Show Cause with Temp. Restraining Order, *Town of Islip v. 777 Chris’s Way LLC et al.*, Index No. 22-200389, 3 (N.Y. Sup. Sep. 15, 2022) (Ex. F). In support of its emergency application for a temporary restraining order the Town of Islip alleged that from June, 2022 to September 13, 2023, Sloth Encounters had not taken steps to remedy the violations and had continued to harbor “several exotic animals” at the premises and to use the premises as a commercial animal exhibit, even though Sloth Encounters had been notified the use was prohibited. Ex. C, ¶¶ 28-33.

³¹ Decision and Order, *Town of Islip v. 777 Chris’s Way LLC et al.*, Index No. 22-200389, 5 (N.Y. Sup. Mar. 30, 2023) (Ex. G). In a February 17, 2023 court filing, the Town of Islip alleged that Sloth Encounters had continued to harbor illegal exotic animals from at least June, 2022 through February 17, 2023, that Sloth Encounters had not submitted adequate paperwork to legalize occupancy of the business, and that Sloth Encounters’ continued operation was in direct violation of the town’s code. Aff. in Opp. to Mot. to Dismiss, *Town of Islip v. 777 Chris’s Way LLC et al.*, Index No. 22-200389, ¶¶ 14-17 (N.Y. Sup. Feb. 17, 2023) (Ex. H).

April 10, 2023 – citation and notice to appear for additional violations of the town code. Following an inspection of the Sloth Encounters facility on April 6, 2023, the Town of Islip’s Bureau of Fire Prevention issued one notice of violation and order to appear for a new violation of the town animal code (possession and sale of multiple types of wild animals including kangaroos and porcupines).³²

July 10, 2023 – the New York Supreme Court finds Sloth Encounters to be in civil contempt of the March 30, 2023, preliminary injunction.

- Despite the town’s notices of violation and the court’s issuance of a temporary restraining order and preliminary injunction, the court concluded (based in part on Mr. Wallach’s own testimony) that the “location continues to be operated as a petting zoo under the pretense that it is a pet store,” and ordered that Sloth Encounters “immediately cease and desist from operating the subject premises as a ‘pet store’ or petting zoo” and issued a \$250 fine for each day the defendants continued to operate a pet store or petting zoo in violation of the court order.³³

B. Violations of state law

July 26, 2023 – Mr. Wallach pled guilty to a New York state criminal charge and was ordered to pay \$250 fine for illegally possessing and transporting three Nile monitor lizards.³⁴

- New York prohibits the sale, offer for sale, transportation, possession, and purchase of Nile monitors, which the state categorizes as dangerous animals.³⁵

C. Violations of federal law

August 15, 2023 – USDA citation for failure to keep sloth enclosures within appropriate humidity levels.³⁶

August 10, 2022 – Critical USDA citations for interfering with an APHIS official in the course of duty and providing false information to inspectors at the time of inspection and failing to handle animals so there is minimal risk of harm to the animals.³⁷

- Mr. Wallach signed state health department confinement orders for a sloth after a member of the public reported that the animal was involved in a biting/scratching incident. Thirteen days later, Mr. Wallach denied receiving a bite complaint or report and said, “nothing happened here,” when asked repeatedly by APHIS officials whether a member of the public had been bitten during a sloth encounter at the facility.
- The state health department issued a 30-day order of animal confinement for a sloth named Edward reported to be involved in the bite incident,³⁸ but, according to the USDA, health officials noted that “had

³² Town of Islip, Animal Code § 12-23C; Aff. in Supp. of Mot. to Hold Def. in Contempt, *Town of Islip v. 777 Chris’s Way LLC et al.*, Index No. 22-200389, ¶¶ 30-35, Exhibit C (N.Y. Sup. Apr. 10, 2023) (Ex. I) (further alleging that Sloth Encounters was selling more than a dozen species of wild animals prohibited under the town code).

³³ Decision and Order, *Town of Islip v. 777 Chris’s Way LLC et al.*, Index No. 22-200389, 8-9 (N.Y. Sup. July 10, 2023) (Ex. J).

³⁴ Ledda, B., *Sloth Encounters: 5 things to know about the charges against the Long Island-based animal exhibit business*, *Newsday*, May 27, 2023 (Ex. K); Barmash, J., *Sloth Encounters Pays \$250 For Illegally Having Venomous Lizards*, *Patch*, Jul. 26, 2023 (Ex. L); request for records pursuant to New York Freedom of Information Law related to the state criminal charge and plea was declined by the Office of the District Attorney, County of Suffolk (Ex. M).

³⁵ N.Y. Comp. Codes R. & Regs. tit. 6, § 180.1(b), (b)(14)(ii).

³⁶ USDA Inspection Report, Larry Wallach, 21-C-0069, Aug. 15, 2023.

³⁷ USDA Inspection Report, Larry Wallach, 21-C-0069, August 10, 2022.

³⁸ This is potentially the same sloth called Eddie who was injured during the November 4, 2023 fight, detailed *infra*, Part I.

the incident involved one of the other more recently acquired sloths, euthanasia and rabies testing of the sloth would likely have been required for public health purposes.”

June 9, 2021 – USDA citations for failing to handle animals so that there is minimal risk to the animals and failure to ensure housing facilities are maintained in good repair to protect an animal from injury.³⁹

- Mr. Wallach housed a sloth in an enclosure in a garage in a manner that allowed the sloth to have access to an exposed light and portable electric humidifier with exposed wires which could injure the animal by burning, broken glass, or electrical shock.
- In August 2020, Mr. Wallach took a 6-week-old tiger cub to a park and allowed the public to handle and pet the cub. The cub was unleashed, and Mr. Wallach did not maintain a barrier, allowing the cub to walk among the crowd.

January 28, 2021 – USDA critical citation for failure to provide adequate veterinary care to a tiger cub diagnosed with a fractured foot.⁴⁰

December 2, 2013 – USDA suspended Mr. Wallach’s USDA license for six months for unsafe handling of juvenile tigers, failing to provide veterinary care to an injured tiger, failing to provide an adequate diet (as directed by the attending veterinarian) to infant and juvenile felids, and causing trauma and visible stress and discomfort to a young tiger.⁴¹

These violations of local, state, and federal law are sufficient to warrant termination of Larry Wallach’s AWA license. Despite repeated citations, orders to cease and desist persistent violations of law, and being held in contempt of court, Mr. Wallach has continued to engage in unlawful conduct. Mr. Wallach’s unlawful conduct shows a repeated and blatant disregard for animal welfare; local, state, and federal law; and law enforcement officials. Consequently, the USDA should terminate Mr. Wallach’s AWA license for violations of local, state, and federal law; for operating in violation of local and state laws; and for making false statements to the USDA in accordance with 9 C.F.R. §§ 2.11(6) and (7).

³⁹ USDA Inspection Report, Larry Wallach, 21-C-0069, June 9, 2021.

⁴⁰ USDA Inspection Report, Larry Wallach, 21-C-0069, January 28, 2021.

⁴¹ Complaint, *U.S. Dept. of Agriculture v. Lawrence C. Wallach*, AWA Docket No. 13-0230, Apr. 26, 2013; Consent Decision and Order, *U.S. Dept. of Agriculture V. Lawrence C. Wallach*, AWA Docket No. 12-0230, Dec. 2, 2023.