



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>



March 3, 2007

Animal Advocates  
Mary Cummins

Dear Ms. Cummins,

As a wildlife rehabilitation permittee you are required to abide by all laws that pertain to wildlife rehabilitation. Upon signing the Wildlife Rehabilitation Memorandum of Understanding (MOU), you agreed to comply to all of the conditions in the MOU and with the provisions of California Code of Regulations, Title 14 (CCR T-14); Section 679.

This letter is being written to document "incidents of concern" that the Department believes violate CCR T-14 Section 679 and the Wildlife Rehabilitation Memorandum of Understanding with Animal Advocates.

1. The Department received a video of an event called "Best Friends" held on March 5, 2005, at Johnny Carson Park. At a booth under a banner labeled "Animal Advocates", a very small juvenile opossum is seen being handed to a volunteer for Animal Advocates, from a person who appears to be a member of the public. In the video, the Animal Advocates volunteer continues to pet and display the juvenile opossum to the public. Displaying animals undergoing rehabilitation to the public is inconsistent with, and a direct violation of your wildlife rehabilitation MOU # 12 which states: *The permittee shall not display or exhibit any native injured or diseased wild animal which is possessed for care or treatment under the authority of this Memorandum, nor shall the permittee allow any other person to do so.* In addition, the public should not be allowed to handle wildlife (either educational animals or wildlife undergoing rehabilitation). The video was viewed from the following web site: <http://www.doggtv.com/wildliferescue.htm>

2. Inappropriate pictures of wildlife held in your care have been displayed on your Animal Advocates website. One picture titled "Noodle 2" showed a juvenile squirrel, not confined to a cage, with human baby toys in the background and eating what appeared to be pasta. The baby toys in the background coupled with the fact that the animals is shown inside a residence without caging could easily be perceived as a pet by the general public and is again inconsistent with the intent of wildlife rehabilitation. Another picture titled "Patchy and Booger" shows a domestic cat interacting with an unconfined skunk in a residence. This skunk would likely be perceived as a pet to anyone looking at this photo. Another photo shows a domestic cat standing next to a very small skunk. All of these photographs are not suitable for a rehabilitation website and do not promote education or dignity to wildlife, they promote these animals as pets.

Two conditions of the Wildlife Rehabilitation MOU pertain to the presentation of wildlife. Number 13(j) states: *In a continuing effort to maintain dignity to wildlife, educators shall not use display techniques that promote a "pet" type of relationship between the handler and the animal.* Also # 19-*Wildlife temporarily held for rehabilitation must be maintained*

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*separate from facilities housing domestic animals.* This means that wildlife held under a wildlife rehabilitation permit shall not be exposed to domestic animals.

3. Educational animals must be approved through the Department. On your 2005 Annual Year End Report you reported having four educational animals that the Department has no record of approving. You later stated that you interpreted the MOU as permitting you to have 10 educational animals. This letter serves as a reminder that you must have approval to keep any animal for educational purposes. An approval is needed for each individual animal at the time it is recognized that the animal is non-releasable. The documentation of the squirrel with "no eyeballs" is of great concern and the quality of life for that squirrel is questionable at best. Number 13 in your current wildlife rehabilitation MOU states:

*The permittee is authorized to possess approved non-releasable wildlife for education or surrogate purposes under the following conditions: Only wildlife determined to be permanently injured and suitable for public exhibition will be considered for non-releasable status. That determination shall be made by the Department or a veterinarian representing a Department-approved wildlife rehabilitation organization. The veterinarian shall prepare a written document describing the permanent injury that qualifies the animal as non-releasable. A copy of the veterinarian's document shall be forwarded to the Department within 30 days of the veterinarian's classification.*

*In the unusual event that an animal is brought into a center imprinted, the Department shall be notified within 72 hours after the Permittee determines the animal is imprinted. If an animal becomes imprinted during the rehabilitation process, the animal shall be either transferred to another rehabilitation (other than the responsible rehabilitator) center to be used as a education animal, euthanized or transferred to a Department-approved wildlife exhibitor or Live Native Specimen Permittee.*

4. On December 7, 2006 you confirmed, via email that you have a satellite named "Dayna" who was identified through a "My Space" website <http://www.myspace.com/dayna2626>. Dayna is in violation of the Animal Advocates' MOU for inappropriate actions/pictures of wildlife undergoing rehabilitation. The photos depict a fox squirrel being choked, a fox squirrel in a public area on several peoples' heads and shoulders, a juvenile raccoon chewing on the lead of a pencil, and a fox squirrel wearing a t-shirt. This "My Space" site is unprofessional and inappropriate and depicts these animals in a pet like setting. As a permittee, you are directly responsible for the animals being held under your permit and therefore responsible for your satellites actions.

5. On or around August 30, 2006, you were contacted regarding the location of a bobcat kitten you had acquired. You failed to provide this information until, on a third attempt, when specifically asked if Anna Dresden was in possession of the bobcat. It appeared as though you would not cooperate with the disclosure of the bobcat's location until you believed the location was already known by the Department. This non-cooperative attitude is of great concern to the Department and violates California Code of Regulations T-14 Section 679(f)(7) *the operator of a wildlife rehabilitation facility shall make all records, wildlife being rehabilitated and any materials used for confinement, treatment, of care of wildlife, available for inspection by Department employees or employees of the Department of Food and Agriculture or the Department of Health services or any other person authorized to enforce these regulations.*

The Department, as the authorizing agency, may revoke wildlife rehabilitation MOU's for cause. The Department of Fish and Game has a signed copy of your MOU. Upon signing the MOU, you the permittee, agreed to comply to all of the conditions in the MOU and with the provisions of the California Code of Regulations, Title 14, Section 679. The MOU also states that the MOU may be revoked upon the finding by the Department that the permittee, or any representative, has not complied with the terms and conditions of the agreement.

This letter is being written to document the above situations and serves as a written warning of the Departments concern. Please understand that if you, or any of your satellites, violate any CCR T-14 sections, Fish and Game Code laws, or any conditions of the Wildlife Rehabilitation MOU in the future, the Department will revoke your Wildlife Rehabilitation Permit.

Wildlife rehabilitation is an important service for wildlife and the public. The Department's MOU was developed to establish important conditions that optimize the success of rehabilitating wildlife, and we value the efforts contributed by those that recognize this intent.

If you have any questions regarding this letter please do not hesitate to contact me.

Sincerely,

Nicole Carion  
Statewide Wildlife Rehabilitation Program Coordinator  
Associate Wildlife Biologist  
California Department of Fish and Game  
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