

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE ADJUDICATION DIVISION**

**RE: GAIL BERNARD
NOTICE OF VIOALTION**

AAD No. 18-001/AGE

DECISION AND ORDER

This matter came on for Administrative Hearing on July 30, 2019 before Chief Hearing Officer David Kerins. The action commenced by the filing of a Notice of Appeal by Respondent Gail Bernard (“Respondent” or “Bernard”) on April 3, 2018 from a Notice of Violation (“NOV”) dated March 15, 2018. The Department of Environmental Management (“DEM” or “Department”) was represented by Susan B. Forcier, Esquire and the Respondent was represented by Peter P. D’Amico, Esquire, and Keith G. Langer, Esquire. The Respondent and DEM filed their Post-Hearing Memoranda on November 8, 2019 and October 30, 2019 respectively.

JURISDICTION

The Hearing was conducted in accordance with the statutes governing the Administrative Adjudication Division for Environmental Matters (R.I. Gen. Laws § 42-17.1-1 et seq.), the Administrative Procedures Act (R.I. Gen. Laws § 42-35-1 et seq.) and the Administrative Rules of Practice for the Department of Environmental Management, Administrative Adjudication Division for Environmental Matters (“AAD Rules”).

TRAVEL

DEM issued a Notice of Violation (“NOV”) against the Respondent, Gail Bernard, on or about March 15, 2018 alleging violations of Part 3 of Subchapter 05 of the Animal Health

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Regulations promulgated by DEM and administered by the Division of Agriculture. More specifically, DEM charged the Respondent with violation of Section 3.7A "Possession of Wild Carnivores" and Section 3.9A "Importation into the state an exotic wild animal". DEM alleges that Respondent engaged in the prohibited activities without the required permit.

In Section D of the NOV DEM ordered that the Respondent "immediately surrender the subject animal" and imposed a penalty in the amount of three hundred dollars (\$300.00) per day.

HEARING SUMMARY

DEM presented one witness, Scott Marshall and the Respondent presented three witnesses: Gail Bernard, Jody Bernard and Kristina Cooney. The parties did not stipulate to any facts or exhibits prior to hearing.

Scott Marshall was called as DEM's only witness. Dr. Marshall testified that he is the State Veterinarian and works for the State of Rhode Island. He is the chairman of the State Rabies Control Board and formulated the State regulations and policies related to rabies. He prepared the NOV in this matter. He was recognized without objection as a veterinary expert.

Dr. Marshall said he became aware of the fact that the Bernards had a Bengal cat from a conversation with the Warwick Animal Control Officer. This was the first time that he was aware of it. He said that he has issued around ten (10) NOVs in the past relating to Bengal cats. His review of the record showed that the cat came from Texas that he never received any documentation. Dr. Marshall said that these cats are not allowed in the state "because there is no approved rabies vaccine for use in hybrid cats...no USDA licensed rabies vaccine with a license that approves for use in cats that are hybrids". (Tr. p 14, 10-14)

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Dr. Marshall identified the NOV dated March 15, 2018 which was admitted, without objection, as DEM Exhibit 1 Full. He testified that he is familiar with the Rules and Regulations Governing the Importation and Possession of Wild Animals (“Wild Animal Rules”) and, in fact, assisted in their drafting. The Wild Animal Rules were admitted into evidence by Judicial Notice.

He testified that the Rules define a “domestic animal” as one which “through extremely long association with humans, have been bred to a degree that has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species.” (Tr. p. 17, 17-21)

Dr. Marshall testified that the process of breeding domesticated hybrid Bengals began in 1963. He does not consider that a Bengal hybrid has established an “extremely long association with humans”. He went on to say that the list of domesticated animals in Rhode Island does not include Bengal cats. “The Bengal cat is in a category of hybrid with wild felines that are excluded from the definition of domestic cat”. (Tr. p. 21, 2-4) There is no point that the hybrid can become a domestic cat no matter how many generations have passed. “Even though in multiple generations, the percentage of wild animal would be decreased, but it never hits zero”. (Tr. p. 23, 4-6)

Dr. Marshall testified that possession of wild carnivores is prohibited by Section 3.7A of the Wild Animal Rules. The section was read into the record as follows: “All exotic wild animals and hybrids of the order Carnivora for which there is no USDA conditionally licensed or unconditionally licensed rabies vaccine are expressly prohibited from importation or ownership without the issuance of a valid permit by the Department.” (Tr. p. 23, 17-21). He said that a Bengal cat is in the order of Carnivora for which there is no licensed rabies vaccine.

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Dr. Marshall testified that Section 3.9B of the Wild Animal Rules says “In addition, no permits shall be granted by the Department to a private person authorizing the import and/or possession of any exotic wild animals of the order Carnivora, or hybrids thereof, for where there is no USDA conditionally licensed or unconditionally licensed rabies vaccine.” (Tr. p. 26, 2-7) He said that the USDA is the licensing authority for the rabies vaccine. “Unconditional licenses are granted when the vaccine manufacturer has fulfilled all the requirements for USDA licensure for the product they’re seeking licensure for.” (Tr. p. 26, 11-14). He said that there is no licensed or approved vaccine for a Bengal cat regardless of the filial generation. There are no exceptions in the Regulations for Bengal cats.

Dr. Marshall testified that he had been in touch with Dr. Melissa Schilling of the USDA Center for Veterinary Biologics where she is a Senior Staff Veterinarian. He referred to an email chain with Dr. Schilling in which she said that there were no vaccines licensed for hybrid animals. Her division of the USDA – APHIS – is the licensing authority for vaccines.

Dr. Marshall testified about an email chain with Dr. Paul Hauer of the USDA Center for Veterinary Biologics. Dr. Hauer was identified as the Director of Policy, Evaluation and Licensing of the Center for Veterinary Biologics. Dr. Hauer advised that there is no licensed vaccine for use in Bengal cats. He advised that they “do not make a distinction that 97 percent is close enough to be considered a cat. Anything less than 100 percent cat would be considered extra-label use”. (Tr. p. 40, 19-21) The email chain was admitted into evidence, without objection, as DEM Exhibit 4 Full.

Dr. Marshall testified about additional testing called “titer testing”. He said “titer testing is oftentimes required when an animal is brought to a jurisdiction where rabies is known to not

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exist, and limits of titer testing is it can prove than an animal mounted a response to a vaccination, but because antibodies are only one facet of the immune system, serology tests, like titers, cannot be used to conclusively prove that an animal is immune to rabies". (Tr. p. 42, 4-10) He said that there is no way to conclusively prove that an animal is fully protected against rabies in a situation of extra-label use.

On cross examination Dr Marshall testified that was he was not aware of any individual who had gotten an infection of rabies from a Bengal cat. He said that even though the percentage of Bengal in the subject cat, Simba, is only 3% so he would not recognize him as being able to be vaccinated against rabies. He denied that Simba is a domestic cat.

Dr. Marshall acknowledged that under the AWA, which is the Animal Welfare Act "any cat (*Felis catus*) or any cat-hybrid of domestic and wild cats is considered a domestic cat". (Tr. p. 48, 10-12). Dr. Marshall testified that Simba has been quoted as F-5. He did not recall the specific details of Simba's genealogy. He denied familiarity with the Connecticut statutes or Massachusetts statutes relating to hybrid cats. He said that he was aware that the City of Warwick issued four (4) consecutive permits for the Bernards and that Simba always received a vaccine. He said that they cannot recognize his vaccinations because of his status as a hybrid.

Dr. Marshall testified that that label for the vaccine named Rabrac 3 by Elanco does not say "no hybrids" or "no Bengals". He said that the label states "judicated for vaccination of healthy dogs, cats, and horses". (Tr. p. 57, 11-12) There were no other words of limitations. Respondent concluded cross examination of Dr. Marshall and moved to enter Respondent's Exhibits 3 and 4 which were entered as Full Exhibits without exception.

On redirect examination Dr. Marshall testified that the fact that a cat is certified or

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recognized by a cat association does not make a rabies vaccine any more effective. He said that the Animal Welfare Act is not applicable in this matter. At the conclusion of Dr. Marshall's testimony DEM rested.

The Respondent called Jodie Bernard as her first witness. Ms. Bernard testified that she purchased the subject cat in 2011. She said that she attempted to research if Bengal cats were illegal in Rhode Island and came away with the sense that they were not illegal. The cat got its first rabies shot on December 9, 2011 and has complied with all vaccinations after that date. Ms. Bernard identified breeding permits for Simba issued by the City of Warwick for the years 2014, 2015, 2016 and 2017 which were admitted into evidence as Respondent's Exhibit 6 composite, Full. Ms. Bernard identified the records of Simba's rabies shots which was admitted as Respondent's Exhibit 7, composite, Full. Ms. Bernard identified the records of the surgical procedure of spay and neutering of Simba which was entered into evidence as Respondent's Exhibit 8 Full. Ms. Bernard identified a document which she said was Simba's family tree which was entered into evidence, without objection, as Respondent's Exhibit 9 Full. This document also included Simba's registration which identifies Jodi Bernard as the owner.

Ms. Bernard presented pictures of Simba which were admitted into evidence, without objection, as Respondent's Exhibit 10 Full. Ms. Bernard said that she saved up the money to buy Simba who she considers as a therapy pet. She said that Simba only leaves the house to go to the vet by crate in the car. She said that she has ADHD and Simba brings her relief. The cat is currently at home where she lives with her mother and father.

Ms. Jodie Bernard was cross examined by the attorney for DEM. She said that her mother's name was mistakenly on one of the vaccination certificates. She bought the cat from a

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person named Mary Lou Petty who shipped it by plane from Texas. She said that she looked for a cat on the internet. She saved enough money from her birthday and chose the Bengal cat because it was listed as hypoallergenic. (Tr. p. 81, 12-16)

Ms. Jodie Bernard said that she was going to be 26 this year. She said that the cat was hers. She saved the money and paid \$1,200.00 plus shipping. The Hearing Officer asked the attorney why the case had been brought against Gail Bernard and was told because the cat lives at the property owned by Gail Bernard and her name is on the paperwork.

Ms. Gail Bernard was called as Respondent's next witness. Gail acknowledged that she is the owner of the property where Simba resides but she is not the owner of the cat. Ms. Gail Bernard was questioned at length regarding the material upon which they relied to reach the conclusion that a Bengal cat was legally permitted in Rhode Island.

The Respondent called Dr. Kristina Cooney as her next witness. Dr. Cooney identified herself as an Associate Veterinarian at Warren Animal Hospital in Warren, Rhode Island. She has been so employed since 2012 when she graduated from veterinary school. She said that although Bengal cats are rare she has seen a couple. She is familiar with Simba and considers her to be vaccinated. She has received the Rabvac 3 vaccine. Dr. Cooney, after a brief voir dire, was admitted as an expert in veterinary medicine.

Dr. Cooney testified that she was aware of Simba's cat heritage. She said that she is aware that Simba is 97 percent domesticated cat and 3 percent Bengal. She said she has not learned of any reason to believe that the rabies vaccine is not effective on Simba. When asked if she thought 3 percent is a significant difference she said "Statistically, I don't know. I wouldn't – just as my practice, no". (Tr. p. 106, 5-6)

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Dr. Cooney, on cross-examination, testified that she had treated Simba since the fall of 2018. She said that she had not fully read the Rhode Island Rabies Regulations and the Rabies Manual. She said that the disclaimer language related to titer-testing means that it cannot say that they definitely are protected from the rabies virus. She said that she had treated five or six Bengal cats. When asked by Respondent's attorney if she believed that Simba poses a rabies threat she said "I guess that I don't feel comfortable answering that question. I don't think I ever would say any animal never poses a threat". (Tr. p. 115, 14-16). At the conclusion of Dr. Cooney's testimony the Administrative Hearing was concluded. An appendix of all full exhibits is annexed hereto and make a part hereof.

BURDEN OF PROOF

In an appeal of a Notice of Violation the burden of proof is on the Department is to prove, by a preponderance of the evidence, that the Notice of Violation was proper. "The burden of showing something by a preponderance of the evidence...simply requires the trier to believe that the existence of a fact is more probable than its nonexistence before he may find in favor of the party who has the burden to persuade the judge of the facts existence." Metropolitan Stevedore Co v Rambo, 521 U.S. 121.

ANALYSIS

DEM, in its role as prosecutor, has the burden to prove each and every element of its charge against the Respondent by a preponderance of the evidence. The NOV, DEM Exhibit 1

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Full, presents two charges against the Respondent: 1) Possession of a wild carnivore without a permit and 2) Importing or possessing an exotic wild animal.

DEM presented as its only witness Dr. Scott Marshall. Dr. Marshall is the State Veterinarian, chairman of the State's Rabies Control Board and was instrumental in the development of the State policies relating to rabies. Dr. Marshall testified that there is no approved rabies vaccine for a hybrid Bengal cat no matter what percentage of Bengal to domestic. It was agreed between the parties that the subject cat, Simba, is 97% domestic and 3% Bengal cat. The opinion of Dr. Marshall was confirmed by the email communications from the USDA Center for Veterinary Biologics. Dr. Marshall testified that without an approved vaccine no hybrid can be considered as being vaccinated against rabies.

The Respondent makes several arguments in support of its case:

- A. The rabies vaccine in question is intended for "cats".
- B. Simba has been vaccinated at all times.
- C. The vaccine has no language of limitations as to type of "cats".
- D. Simba is not a wild animal under Federal law.

The Respondent presents her scientific case by the cross examination of Dr. Marshall and the direct examination of Dr. Cooney. Both veterinarians were recognized as experts in veterinary medicine. The weight of the testimony certainly must be given to Dr. Marshall based on his years of experience and his special involvement with the issue of rabies in the State of Rhode Island. One example of comparison can be noted; where Dr. Marshall has been instrumental in the drafting of rabies regulations as Chairman of the Rabies Control Board, Dr. Cooney admitted that

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she had not read the entire Rabies Manual. I accept the testimony of Dr. Schott Marshall that the State of Rhode Island considers Simba as an exotic carnivore, possession of which is prohibited in the State without a permit. I reject the argument of the Respondent that Simba is a domestic cat. The fact that some federal associations classify the Bengal cat as domestic is not persuasive. The information provided by the USDA Center for Veterinary Biologics as reflected in DEM Exhibit 4 Full is very persuasive. Dr. Paul J. Hauer, DVM, PhD states that "Anything other than 100% cat would be considered extra-label use." This is clearly interpreted to mean that there is no approved vaccine for a 3% Bengal cat. The State of Rhode Island by statute and regulation is acting well-within its authority to protect the public against the treat of rabies where no scientific assurances are present to the contrary. I find, therefore, that Simba is a hybrid wild carnivore and prohibited from possession and importation in the State of Rhode Island without first obtaining a permit.

I have grave concerns with the issue of "possession" and "importation" of Simba as presented in DEM's presentation of facts. The evidence clearly shows that Simba is owned by Jodi Bernard and not Gail Bernard. The uncontradicted sworn testimony is that Jodi Bernard purchased Simba in 2011 with money she had saved. Jodi Bernard is an adult who resides in the home of her mother Gail Bernard. Jodi testified that she imported Simba and there is no evidence to the contrary. The issue that Jodi Bernard is the owner of Simba was raised previously in a Motion to Dismiss filed by the Respondent on October 18, 2018. In spite of the notice provided to DEM in the Motion to Dismiss it did not move to join Jodi as a Respondent in this matter. When questioned why the Respondent Gail Bernard was charged with the violations DEM responded that she owns the property where Simba resides and that her name was on some of the paperwork. It is interesting to note that continuously throughout her Post Hearing Memorandum

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counsel for DEM refers to the Respondent in the plural, Respondents. While I am reluctantly compelled to find that Respondent Gail Bernard “constructively” possessed Simba by allowing him to reside in her home, I emphatically find that Jodi Bernard owns Simba and caused his importation into the state.

I find that the allegation contained within the NOV, DEM Exhibit 1 Full, that Gail Bernard possessed a wild carnivore in violation of Section 3.7A of the Wild Animal Regulations has been sustained and find that the allegation contained in the NOV that Gail Bernard imported an exotic animal into the state has not been proven by a preponderance of the evidence. The claim that Gail Bernard imported an exotic wild animal should be dismissed and her appeal should be sustained to that extent.

DEM has imposed a three hundred dollar (\$300.00) per day fine in the NOV. There was no distinction in the NOV or during the Administrative Hearing apportioning the fine between the two alleged violations. Although the NOV specifically states that the penalty was “calculated pursuant to the Rules and Regulations for Assessment of Administrative Penalty (“Penalty Regs”)", there was no testimony during the Hearing to the effect. The only testimony about the penalty came from Dr. Marshall who said that the fine was consistent with other similar NOV's filed in the past. In re: Richard Fickell AAD No. 93-014/GWE and In re: New England Paint Mfg Co. Inc. AAD No. 08-001/AGE require the Department to introduce evidence on how the penalty was calculated. DEM presented no evidence as to how the fine was calculated or that it was specifically calculated in accordance with the Penalty Regs. I therefore find that the “fine” or administrative penalty has not been proven or sustained by DEM and therefore Respondent must prevail in the rejection of the penalty.

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Finally the NOV calls for the immediate surrender of the subject animal, Simba. Although DEM allowed the subject animal to continue to reside with the Respondent the testimony of Dr. Marshall indicated that the State would be confiscating Simba and sending him to a cat sanctuary in Florida. (Tr. p. 59, 10) In light of the fact that DEM has not joined Jodi Bernard as a Respondent in this matter there is no legal basis for it to take Simba from its rightful owner. In order to exercise its right to remove Simba from Jodi Bernard the State would have to afford her to her Due Process Rights. Based on the action taken by DEM it has no current right to confiscate Simba from its owner Jodi Bernard.

CONCLUSION

DEM has sustained its burden of proof that Gail Bernard is in possession of a hybrid cat without a permit in violation of Section 3.7A of the Wild Animal Regulations. DEM has failed to sustain its burden of proof that Gail Bernard imported an exotic wild animal without permit in violation of Section 3.9 of the Wild Animal Regulations. I find that DEM has not sustained its burden of proof that the Administrative Penalty was calculated in accordance with the Penalty Regulations. Finally I find that DEM has not sustained its claim that it is entitled to immediate confiscation of the subject animal in light of the fact that the subject animal is not owned by the named Respondent.

FINDINGS OF FACT

Based on the testamentary and documentary evidence I make the following Findings of Fact:

1. The AAD has jurisdiction over the Respondent and subject matter in the instant case.
2. Respondent, Gail Bernard, is the owner of property located at 463 Harrington Avenue, Warwick, Rhode Island. ("Respondent's Residence").
3. A Bengal cat hybrid ("Simba") resides at the Respondent's residence.
4. A Bengal cat is a hybrid which is the result of the cross breeding of a domestic cat (*Felis catus*) and an Asian Leopard Cat (*P. b. bengalensis*) wild cat. ("Simba").
5. The Respondent is not the owner of the cat.
6. The Respondent's daughter, Jodi Bernard, is the owner of Simba.
7. Simba was purchased by Jodi Bernard in 2011.
8. Simba was imported by Jodi Bernard into Rhode Island.
9. Respondent, Gail Bernard, was in constructive possession of Simba at the time the Notice of Violation ("NOV") was issued, March 15, 2018.
10. Respondent, Gail Bernard, did not obtain a permit to possess Simba.
11. No rabies vaccine manufacturer that is licensed by the USDA/Center for Veterinary Biologics has a product that is licensed for use on hybrid animals such as the subject animal.
12. Simba is 97% domestic and 3% Asian Leopard cat.
13. Simba is not a domestic cat.

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14. Simba has been vaccinated as required for domestic cats.
15. There is no approved rabies vaccine for Simba.
16. Simba cannot be considered as vaccinated due to the fact that there is no approved vaccine.
17. Respondent, Gail Bernard, did not import Simba.
18. The Administrative Penalty was not calculated in accordance with the Rules and Regulations for Calculating Administrative Penalties ("Penalty Rules").
19. The penalty against Respondent for possessing Simba cannot be determined.
20. Respondent's daughter, Jodi Bernard, is not a party to this action.
21. DEM has not proven its right of possession of Simba against Jodi Bernard.

CONCLUSIONS OF LAW

Based on the Findings of Fact I make the following Conclusions of Law:

1. This proceeding was conducted in accordance with statutes governing the Administrative Adjudication Division (R.I.G.L. 42-17.7-1 *et seq.*); the Administrative Procedures Act (R.I.G.L. 42-35-1 *et seq.*); and the AAD Regulations.
2. The Administrative Adjudication Division has jurisdiction over the subject matter of the Respondent's appeal, as well as personal jurisdiction over the Respondent pursuant to Respondent's request for an appeal dated March 28, 2018.
3. The Department has the burden of proving, by a preponderance of the evidence, the allegations set forth in the NOV dated March 15, 2018.
4. A Bengal cat is a hybrid which is the result of the cross breeding of a domestic cat (*Felis*

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catus) and an Asian Leopard Cat (*P. b. bengalensis*) wild cat.

5. The Department has proved that Respondent, Gail Bernard, possessed an exotic wild hybrid animal ("Simba") without a permit.
6. The Department has not proven that the Respondent owns Simba.
7. The Department is not entitled to confiscation of Simba as a result of this matter.
8. The Department has not proven that Respondent imported an exotic wild hybrid animal.
9. The Department has not proven the Administrative Penalty was properly calculated in accordance with the Penalty Rules.

Based on the Findings of Fact and the Conclusions of Law it is hereby

ORDERED

1. Respondent Gail Bernard's Appeal is sustained in part and denied in part.
2. The Notice of Violation dated March 15, 2018 is **SUSTAINED** on the issue that Respondent possessed Simba, a wild hybrid cat in violation of Section 3.7A of Part B, Subsection 05 of the Animal Health Regulations ("Animal Regs").
3. The Notice of Violation is **DENIED** regarding the allegations against Respondent that Respondent imported an exotic wild animal in violation of Section 3.9A of the Wild Animal Regs.
4. The Notice of Violation is **DENIED** to the extent that the Department is not authorized to confiscate Simba due to the fact that Simba's owner, Jodi Bernard, is not a party to

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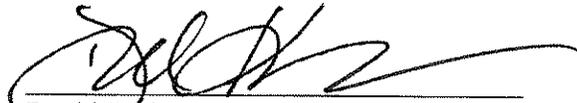
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this action.

5. The Administrative Penalty was not calculated in accordance with the Rules and Regulations for Calculation of Administrative Penalties.

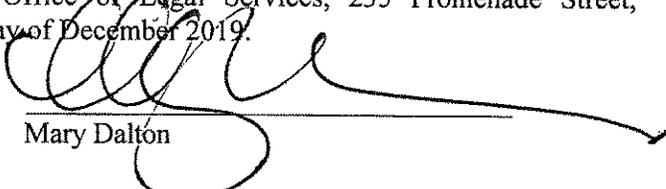
Entered as an Administrative Order this 31st day of December 2019.



David Kerins
Chief Hearing Officer
Administrative Adjudication Division
235 Promenade Street, 3rd Floor, Rm 350
Providence, RI 02908
(401) 222-4700 Ext. 4600

CERTIFICATION

I hereby certify that I caused a true copy of the within Status Conference Order to be forwarded by first-class mail to: Peter D'Amico, Esquire, 1310 Atwood Avenue, Cranston RI 02919 and Keith G. Langer, Esquire, 255 Harvard Lane, Wrentham, MA 02093; via interoffice mail to; Susan Forcier, Legal Counsel, DEM Office of Legal Services, 235 Promenade Street, Providence, RI 02908, on this 31 day of December 2019.



Mary Dalton

NOTICE OF APPELLATE RIGHTS

This Final Order constitutes a final order of the Department of Environmental Management pursuant to RI General Laws § 42-35-12. Pursuant to R.I. Gen. Laws § 42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.

Appendix

The following is a list of Full Exhibits that were approved and entered in the Administrative Record:

DEM Exhibits

- | | |
|---------------|--|
| DEM Exhibit 1 | Notice of Violation dated March 15, 2018 |
| DEM Exhibit 2 | Copy of Compendium of Animal Rabies Prevention and Control, 2016 |
| DEM Exhibit 3 | Email chain dated June 13, 2014 re: rabies vaccine licensure |
| DEM Exhibit 4 | Email chain dated April 16-17, 2019 between USDA and DEM |
| DEM Exhibit 5 | “The Author” page from Animal Ethics RI website |

Respondent’s Exhibits

- | | |
|------------------------|---|
| Respondent’s Exhibit 1 | Letter from Kevin Shea, Administrator of USDA dated July 31, 2015 |
| Respondent’s Exhibit 2 | Title 50, Chapter 1, Subchapter B, Part 23, Subpart C, § 23.43 re: Endangered Species |
| Respondent’s Exhibit 3 | Copy of label for rabies vaccine product entitled “Rabvac 3” |
| Respondent’s Exhibit 4 | Copy of MSDS sheet for rabies vaccine entitled “Rabvac 3” |
| Respondent’s Exhibit 5 | Copy of rabies vaccine certificate dated December 19, 2011 |
| Respondent’s Exhibit 6 | Composite copies of City of Warwick cat breeders permits |
| Respondent’s Exhibit 7 | Rabies certificates dated November 11, 2011 and October 31, 2018 for Simba |
| Respondent’s Exhibit 8 | Spay/neuter certificate dated October 31, 2018 for Simba |
| Respondent’s Exhibit 9 | International Cat Association Certificate of Pedigree for Simba |

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Respondent's Exhibit 10 A & B	Photographs of subject cat Simba
Respondent's Exhibit 11	Interstate Health Certificate for Dogs and Cats dated December 23, 2011 for Simba
Respondent's Exhibit 12	Results of titer test dated September 13, 2018 for Simba
Respondent's Exhibit 13	Copy of "Bengal Cat" excerpt from Animal Ethics RI website