

**THE 20 AUG 05 VIOLATIONS****COUNT I:**

On or about 20 AUG 05, Respondent did export one (1) live Prionailurus bengalensis hybrid to Canada from the United States at Newark International Airport, NJ. All populations of the Prionailurus bengalensis have been placed on either Appendix I or Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), published in the Federal Register effective on 01 JUL 75 and published in 50 C.F.R. § 23.23. It is unlawful to export or attempt to export any wildlife listed on Appendix I or Appendix II from the United States unless an export permit issued by the United States is obtained prior to such exportation. 50 C.F.R. §§ 23.11(a), 23.11(c), 23.12(b)(1). In this case, Respondent exported the Prionailurus bengalensis hybrid without obtaining a U.S. CITES export permit. Respondent therefore violated 16 U.S.C. § 1538(c)(1) by engaging in trade contrary to the provisions of CITES, or violated 16 U.S.C. § 1538(g) by causing a violation of § 1538(c)(1). A civil penalty of \$500.00 for this violation will be assessed.

**COUNT II:**

On or about 20 AUG 05, Respondent did export one (1) live Prionailurus bengalensis hybrid to Canada from the United States at Newark International Airport, NJ. Under the regulations implementing the Endangered Species Act, it is unlawful to export any wildlife from the United States unless the exporter or its agent files a certified wildlife declaration, Form 3-177, with the U.S. Fish and Wildlife Service prior to exportation. 50 C.F.R. § 14.63. In this case, Respondent failed to file any wildlife declaration prior to exportation. Respondent therefore violated 16 U.S.C. § 1538(e), which prohibits any person from exporting undeclared fish or wildlife, or violated 16 U.S.C. § 1538(g) by causing a violation of § 1538(e). A civil penalty of \$250.00 for this violation will be assessed.

**COUNT III:**

On or about 20 AUG 05, Respondent did export one (1) live Prionailurus bengalensis hybrid to Canada from the United States at Newark International Airport, NJ. Under the Endangered Species Act, it is unlawful to engage in business as an importer or exporter of wildlife without first obtaining permission. 16 U.S.C. § 1538(d). The regulations implementing the Endangered Species Act require that all exporters of wildlife or their agents notify the U.S. Fish and Wildlife Service and make such shipments available for inspection at least 48 hours prior to the estimated time of exportation of any wildlife and pay an inspection fee. 50 C.F.R. §§ 14.54(f), 14.94(a). In this case, Respondent failed to notify the Service of the exportation of the Prionailurus bengalensis hybrid, failed to make the shipment available for inspection, and failed to pay the required inspection fee. Respondent therefore violated 16 U.S.C. § 1538(d) by engaging in business as an exporter of wildlife without the required permission, or violated 16 U.S.C. § 1538(g) by causing a violation of § 1538(d). A civil penalty of \$250.00 for this violation will be assessed.

**THE 22 SEP 05 VIOLATIONS****COUNT IV:**

On or about 22 SEP 05, Respondent did export one (1) live Prionailurus bengalensis hybrid to the United Kingdom from the United States at Newark International Airport, NJ. All populations of the Prionailurus bengalensis have been placed on either Appendix I or Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), published in the Federal Register effective on 01 JUL 75 and published in 50 C.F.R. § 23.23. It is unlawful to export or attempt to export any wildlife listed on Appendix I or Appendix II from the United States unless an export permit issued by the United States is obtained prior to such exportation. 50 C.F.R. §§ 23.11(a), 23.11(c), 23.12(b)(1). In this case, Respondent exported the Prionailurus bengalensis hybrid without obtaining a U.S. CITES export permit. Respondent therefore violated 16 U.S.C. § 1538(c)(1) by engaging in trade contrary to the provisions of CITES, or violated 16 U.S.C. § 1538(g) by causing a violation of § 1538(c)(1). A civil penalty of \$500.00 for this violation will be assessed.

**COUNT V:**

On or about 22 SEP 05, Respondent did export one (1) live Prionailurus bengalensis hybrid to the United Kingdom from the United States at Newark International Airport, NJ. Under the regulations implementing the Endangered Species Act, it is unlawful to export any wildlife from the United States unless the exporter or its agent files a certified wildlife declaration, Form 3-177, with the U.S. Fish and Wildlife Service prior to exportation. 50 C.F.R. § 14.63. In this case, Respondent failed to file any wildlife declaration prior to exportation. Respondent therefore violated 16 U.S.C. § 1538(e), which prohibits any person from exporting