



COLORADO
Department of Agriculture
Inspection & Consumer Services Division

THE COMMISSIONER OF AGRICULTURE
STATE OF COLORADO

CEASE AND DESIST ORDER

To: SeaQuest Management Inc.
c/o Amber Partridge
8501 West Bowles Avenue
Littleton, Colorado 80123

July 23, 2018

The Colorado Commissioner of Agriculture (“Comissioner”), on the basis of facts described below, has reasonable cause to believe that SeaQuest Management Inc. (“SeaQuest”), a foreign corporation transacting business in Colorado, has violated the Pet Animal Care and Facilities Act (“PACFA”), sections 35-80-101 through 35-80-117, C.R.S., by performing the acts of a pet animal care facility without the requisite licensure.

The Commissioner alleges the following PACFA provisions have been violated:

Colorado Revised Statutes:

§ 35-80-104. Pet animal facility license required. Any person operating a pet animal facility shall possess a valid pet animal facility license issued by the commissioner in accordance with this article and any rules and regulations adopted by the commissioner in accordance with the provisions of this article.

§ 35-80-108. Unlawful Acts

- (1) Unless otherwise authorized by law, it is unlawful and a violation of this article for any person or entity:
 - (a) To perform any of the acts of a pet animal facility for which licensure is required without possessing a valid license under this article;



- (b) To solicit, advertise, or offer to perform any of the acts for which licensure as a pet animal facility is required without possessing a valid license to perform such acts;

Rules Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act, 8 CCR 1202-15:

Part 1 Definitions and Abbreviations

- 1.9. "Facility" means all buildings, yards, pens, and other areas, or any portion thereof, at a single location in which any animal is kept, handled, or transported for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring animals.
- 1.9.2. "Animal sanctuary facility" means a sub-classification of "animal shelter," is any private facility that harbors pet animals, that is not used for impoundment purposes, and that is used exclusively for the purpose of caring for or housing pet animals indefinitely.
- 1.9.14. "Retail aquarium only pet animal facility" means any place that trades, sells, barter, or otherwise transfers fish, hermit crabs, or aquatic pet animals to the public.

Part 2. Application for Licensure and Conditions for Licensure

- 2.6. Any facility or person who houses or transfers, as set forth below, more animals than the limits set forth in this Part must have a license to operate a pet animal care facility. Specific licensing thresholds by species:
 - 2.6.3. The threshold for shelter or rescue of birds: more than 30 transfers per year or more than 30 housed in a central facility.

The facts that constitute these violations are as follows:

- 1. Operation of a pet animal sanctuary and retail aquarium in the state of Colorado without a valid license.
 - a. On May 9, 2018, SeaQuest, operating by and through Amber Partridge, submitted a pet animal care facility license application.



- b. On May 9, 2018, SeaQuest requested an exemption from the licensure requirement to operate until the license was issued. The request was not granted.
 - c. On July 23, 2018 the application for licensure was denied.
 - d. Since approximately May 9, 2018, SeaQuest has operated as a bird shelter or sanctuary and a retail aquarium facility.
 - e. Since approximately May 9, 2018, SeaQuest has performed the acts of a pet animal sanctuary, specifically a bird sanctuary.
 - f. Since approximately May 9, 2018, SeaQuest has performed the acts of a retail aquarium facility.
 - g. Continuing to operate as a bird sanctuary and retail aquarium facility without the requisite licensure is unlawful and a violation of section 35-80-104, C.R.S. and section 35-80-108(1)(a), C.R.S.
2. Solicitation or advertising to perform the acts of a pet animal sanctuary and retail aquarium facility without possessing a valid license to perform those acts.
- a. Since approximately May 9, 2018, SeaQuest has maintained a website that advertises its services, including the keeping or housing of pet animals for the purpose of handling, sheltering, or transferring such animals. Such services require a pet animal facility license. The website is: <https://littleton.visitseaquest.com/> that advertises the harboring of pet animals, specifically birds for the purpose keeping them indefinitely, an act which require a pet animal care facility license.
 - b. Soliciting, advertising or offering to perform the acts of a pet animal sanctuary or retail aquarium facility without a valid license is unlawful, and a violation of section 35-80-108(1)(b), C.R.S.

On the basis of the above facts, the Commissioner has determined that reasonable cause exists to believe that SeaQuest is in violation of section 35-80-104, C.R.S. and section 35-80-108(1)(a) and 35-80-108(b), C.R.S., operation of a pet animal care facility without requisite licensure and soliciting, advertising, or offering to perform any of the acts for which licensure as a pet animal facility is required without possessing a valid license to perform such acts; and that immediate enforcement is necessary. Therefore, pursuant to section 35-80-111(2)(a), C.R.S., SeaQuest is **HEREBY ORDERED** to immediately **CEASE AND DESIST** operating as a pet animal sanctuary and retail aquarium facility without possessing a valid license to perform such acts.



YOU ARE NOTIFIED that you may request in writing, a hearing, on the question of whether the above-described violations have occurred. If so requested, a prompt hearing pursuant to the provisions of the Pet Animal Care Facilities Act, and article 4 of title 24, C.R.S., shall be held to determine whether or not such violation has occurred. You are further notified that you have the opportunity to submit written data, views, and arguments concerning the facts and conduct described in this CEASE AND DESIST ORDER.

In the event of your failure to comply with this CEASE AND DESIST ORDER within 24 hours, pursuant to section 35-80-111(2)(b) C.R.S and section 35-80-114, C.R.S., the Commissioner may file a criminal summons and complaint or bring a civil suit with the appropriate district court in the county where your facility operates for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the Pet Animal Care Facilities Act.

SO ORDERED THIS 23th DAY OF JULY, 2018



Nick Fisher
PACFA Program Administrator
Division of Inspection and Consumer
Services Colorado Department of Agriculture
2331 W. 31st Ave.
Denver, CO 80211

This Cease and Desist Order was served by delivering a copy to SeaQuest Management Inc., operated by Amber Partridge, 8501 W. Bowles Avenue, Littleton, Colorado 80123 this 23 day of July 2018.

Signed:


Cindy Thompson