

MIAMI-DADE COUNTY

## Coffee heir fined \$15,000 for keeping protected birds at Coconut Grove house

BY JENNY STALETOVICH

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Jose E. Souto, pictured above, sold Rowland Coffee Roasters to J.M. Smucker Company for \$360 million in 2011. *MIAMI HERALD FILE, 2004*



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A lifelong fascination with birds landed coffee heir Jose E. Souto in federal court this month after wildlife agents seized 34 wild birds, including nine increasingly rare rainbow-colored finches, from a backyard aviary at his Coconut Grove home.

Souto, 71, whose family business once supplied 80 percent of the espresso sold in the United States, pleaded guilty March 18 to violating the Migratory Bird Treaty Act and

was ordered to pay \$15,000, the maximum fine, and serve one month of probation. He had faced six months in prison.

Souto, whose family sold Rowland Coffee Roasters Inc., which included the Café Bustelo brand, to J.M. Smucker in 2011 for \$360 million, also agreed to donate \$7,500 to the Tropical Audubon Society. The nonprofit group plans to use part of the money to educate the public about the perils facing the birds, including illegal trapping.

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Trapping, along with decreased habitat, has become a significant threat to migrating birds, particularly the colorful Painted Bunting. The birds — the females are a drab green, but the unmistakable males have a vibrant blue head and ruby crest — are disappearing at a rate of about three percent a year, according to the American Bird Conservancy.

“The big issue is trapping and how it’s affecting the population,” said U.S. Fish & Wildlife Service agent David Pharo, whose unit led the investigation. “Wild birds aren’t meant to be caged. They don’t do well. They just beat each other up.”

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Wildlife agents discovered the birds after a visitor spotted them during an estate sale at Souto’s house in November. Concerned by the number and variety of wild migratory birds, the visitor contacted officials. Undercover agents then confirmed the report, obtained a search warrant and seized the birds as well as a trap.

Souto could not be reached for comment. But his attorney, Edward J. O'Donnell IV, said Souto was given the birds as gifts and did not know they were protected by the federal act, one of the nation's first environmental laws, passed in 1916 when commercial trade threatened to wipe out many bird species.

"He's never dealt in the trade of them at all. He's a bird lover just like people are dog lovers," O'Donnell said. "He's a wonderful person according to anyone who knows him. If the birds could speak, they'd tell you the same thing."

O'Donnell said Souto has a large collection of birds, including many legal, exotic birds, and employed a tender specifically to look after them. He opened his house to the public during the estate sale just before selling it and moving to his new house on Coral Gables's swanky Tahiti Beach last month.

"He obviously wasn't trying to hide it," O'Donnell said. "These are just little birds you see every day flying around, but because they migrate, you can't have them in captivity."

Environmentalists say trapping birds, popular in some cultures, puts added stress on birds already struggling with decreased habitat. Their migration, which starts in October and is now at its peak, takes them from their northern summer homes to the south.

Many stop in South Florida only to find that coastal freshwater marshes where they once fueled up are gone. Instead, they encounter traps, some of them rudimentary boxes with strings, and some more elaborate with a bait bird or call bird to lure them. The birds are then sold on the black market, Pharo said.

In recent years, U.S. authorities have cracked down on trappers. They staged Operation Bunting in 2006 after scientists with the U.S. Geological Survey doing research in South Florida discovered the protected birds being sold in pet stores and flea markets around Miami. A ranger at Everglades National Park then stumbled on illegal traps.

The operation snared six dealers and three pet stores. In 2012, customs agents arrested a 76-year-old man, returning to Miami from Cuba, after discovering 16 Cuban bullfinches sewn into his pants.

"The problem we're facing is individuals from other countries, specifically Cuba, who go out to farmlands and water-management lands and state of Florida lands, and they set up these traps to trap these migrator birds," said Jorge Pino, an officer with the Florida Fish & Wildlife Conservation Commission.

Among the 34 birds Souto possessed were 13 Northern Cardinals, four Indigo Buntings, nine Painted Buntings, one Blue Grosbeak and three Rose-Breasted Grosbeaks. U.S. District Judge Kathleen Williams handed him the maximum fine of \$15,000 and ordered him to forfeit, along with the birds, a trap and one cage.

"All of these birds are pretty rare to see except the cardinals," said Tropical Audubon Executive Director Laura Reynolds. "Some used to be pretty common, and now they're hard to find."

Audubon plans to use the money to improve bird conservation efforts, she said, and has provided the U.S. attorney's office with a list of projects for future violators who might make donations as part of their sentences.

“We want to help birds be in their natural habitat, so we want to make the city a more friendly place for birds and have them in our community.” she said. “But not in your house.”

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