

II

5. On or about April 16, 2009, Justin R. Jenne entered a horse known as "Jose's Flamingo Dancer" as Entry No.107, Class No.16, at the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky. On or about April 16, 2009, Justin Jenne Stables entered a horse known as "Jose's Flamingo Dancer" as Entry No.107, Class No.16, at the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky.

6. On or about April 16, 2009, David Mullis entered a horse known as "Jose's Flamingo Dancer" as Entry No.107, Class No.16, at the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky.

7. On or about April 16, 2009, David Mullis and Rebecca Mullis allowed the entry of a horse known as "Jose's Flamingo Dancer" as Entry No.107, Class No.16, at the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky.

III

8. On or about August 28, 2010, Justin R. Jenne entered and exhibited a horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee. On or about August 28, 2010, Justin Jenne Stables entered a horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

9. On or about August 28, 2010, Darrell W. Frazier allowed the entry and exhibition of a horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

IV

10. On or about April 16, 2009, Justin R. Jenne violated section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), by entering "Jose's Flamingo Dancer" as Entry No. 107, Class No. 16, at the Spring Jubilee Charity Horse Show in Harrodsburg for the purpose of showing or exhibiting the horse while the horse was sore. On or about April 16, 2009, Justin R. Jenne Stables violated

section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), by entering "Jose's Flamingo Dancer" as Entry No. 107, Class No. 16, at the Spring Jubilee Charity Horse Show in Harrodsburg for the purpose of showing or exhibiting the horse while the horse was sore.

11. On or about April 16, 2009, David Mullis violated section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), by entering "Jose's Flamingo Dancer" as Entry No. 107, Class No. 16, at the Spring Jubilee Charity Horse Show in Harrodsburg for the purpose of showing or exhibiting the horse while the horse was sore.

12. On or about April 16, 2009, David Mullis and Rebecca Mullis violated section 5(2)(D) of the Act (15 U.S.C. § 1824(2)(D)), by allowing the entry of the horse known as "Jose's Flamingo Dancer" as Entry No. 107, Class No. 16, at the Spring Jubilee Charity Horse Show in Harrodsburg for the purpose of showing or exhibiting the horse while the horse was sore.

V

13. On or about August 28, 2010, Justin R. Jenne violated section 5(2)(A) and (B) of the Act (15 U.S.C. § 1824(2)(A) and (B)), by entering and showing or exhibiting the horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore. On or about August 28, 2010, Justin R. Jenne Stables violated section 5(2)(A) and (B) of the Act (15 U.S.C. § 1824(2)(A) and (B)), by entering and showing or exhibiting the horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore.

14. On or about August 28, 2010, Darrell W. Frazier violated section 5(2)(A) and (D) of the Act (15 U.S.C. § 1824(2)(A) and (D)), by allowing the entry and showing or exhibiting of the horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore. On or about August 28, 2010, Frazier and Frazier Farms violated section 5(2)(A) and (D) of the Act (15 U.S.C. § 1824(2)(A) and (D)), by allowing the entry and showing or exhibiting of the horse

known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore.

15. On or about August 28, 2010, Justin R. Jenne and Justin Jenne Stables violated section 5(7) of the Act (15 U.S.C. § 1824(7)) by entering and showing or exhibiting the horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville while the horse was wearing or bearing a substance which is not permitted by the regulations promulgated pursuant to the Act.

16. On or about August 28, 2010, Darrell W. Frazier and Frazier and Frazier Farms violated section 5(7) of the Act (15 U.S.C. § 1824(7)) by entering and showing or exhibiting or allowing the entering, showing and exhibiting of the horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville while the horse was wearing or bearing a substance which is not permitted by the regulations promulgated pursuant to the Act.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondents have in fact violated the Act, this complaint shall be served upon the Respondents. The Respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the Respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

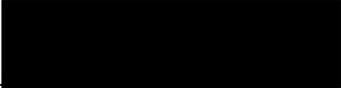
2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

(a) Assessing civil penalties against the Respondents in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying each Respondent for a specified period as provided in section 6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show, sale or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington, D.C.
this 12th day of October, 2012

Acting


Administrator
Animal and Plant Health
Inspection Service

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