

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)	HPA Docket No.
)	
)	
James Wayne Dean dba)	13-0249
Wayne Dean Stables)	
)	
and)	
)	13-0250
Kasey Kesselring)	
)	
Respondents)	Complaint

There is reason to believe that the respondents named herein have violated the Horse Protection Act, as amended (15 U.S.C. §1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

(a) Respondent James Wayne Dean dba Wayne Dean Stables is an individual whose mailing address is 3065 Old Columbia Road, Lewisburg, Tennessee 37091.

(b) Respondent Kasey Kesselring is an individual whose mailing address is 17127 9th Street, Montverde, Florida 34756. At all times mentioned herein Respondent Kasey Kesselring was the owner of the horse known as "He's Our Duramax".

(c) On or about August 29, 2009, James Wayne Dean dba Wayne Dean Stables and Kasey Kesselring entered for the purpose of showing or exhibiting the horse known as "He's Our Duramax", entry number 846 in class number 76, at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

(d) On or about August 29, 2009, Kasey Kesselring allowed the entry of the horse known as "He's Our Duramax", entry number 846 in class number 76, for the purpose of showing or exhibiting the horse at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

(e) On or about August 29, 2009, James Wayne Dean dba Wayne Dean Stables showed or exhibited the horse known as "He's Our Duramax", entry number 846 in class number 76, at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

(f) On or about September 4, 2009, James Wayne Dean dba Wayne Dean Stables and Kasey Kesselring entered the horse known as "He's Our Duramax", as entry number 846 in class number 156 for the purpose of showing or exhibiting the horse at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

(g) On or about September 4, 2009, Kasey Kesselring allowed the entry of the horse known as "He's Our Duramax", as entry number 846 in class number 156, for the purpose of showing or exhibiting the horse at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

II

(a) On or about August 29, 2009, respondent James Wayne Dean dba Wayne Dean Stables and Kasey Kesselring, in violation of section 5(2)(B) of the Act 15 U.S.C. §1824(2)(B), entered the horse known as "He's Our Duramax", as entry number 846 in class number 76, at the 71st Annual Tennessee Walking Horse National Celebration, Shelbyville, Tennessee, while the horse was sore (9 C.F.R. §11.3(a)).

(b) On or about August 29, 2009, in violation of section 5(2)(D) of the Act (15 U.S.C. §1824(2)(D)), respondent Kasey Kesselring allowed the entry for the purpose of showing or exhibiting the horse known as "He's Our Duramax" as entry number 846 in class number 156, at the 71st Annual Tennessee Walking Horse National Celebration, Shelbyville, Tennessee, while the horse was sore (9 C.F.R. § 11.3(a)).

(c) On or about August 29, 2009, respondent James Wayne Dean dba Wayne Dean Stables, in violation of section 5(2)(A) of the Act 15 U.S.C. §1824(2)(A), showed or exhibited the horse known as "He's Our Duramax", as entry number 846 in class number 76, at the 71st Annual Tennessee Walking Horse National Celebration, Shelbyville, Tennessee, while the horse was sore (9 C.F.R. §11.3(a)).

III

(a) On or about September 4, 2009, respondents James Wayne Dean dba Wayne Dean Stables and Kasey Kesselring, in violation of section 5(2)(B) of the Act (15 U.S.C. §1824(2)(B)) entered for the purpose of showing or exhibiting the horse known as "He's Our Duramax", as entry number 846 in class number 156, at the 71st Annual Tennessee Walking Horse National Celebration, Shelbyville, Tennessee, while the horse was sore.

(b) On or about September 4, 2009, in violation of section 5(2)(D) of the Act (15 U.S.C. §1824(2)(D)), respondent Kasey Kesselring allowed the entry for the purpose of showing or exhibiting the horse known as "He's Our Duramax" as entry number 846 in class number 156, at the 71st Annual Tennessee Walking Horse National Celebration, Shelbyville, Tennessee, while the horse was sore.

WHEREFORE, it is hereby ordered 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 the respondents for a specified period as provided in section 6(c) of the Act (15 U.S.C. §1825(c)) from (i) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition; and (ii) judging or managing any horse show, horse exhibition, horse sale or auction. "Participating" means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors,

being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

Done at Washington, D.C.
this 14th day of May, 2013



Acting Administrator
Animal and Plant Health Inspection Service

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