

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) Docket No. 13-6024
)
Tom Ware,)
William Ford, and)
Kemp Martin,)
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 Tom Ware is an individual whose mailing address is 846 U.S. Highway 27 N, Cynthiana, KY 41031.
- B. Respondent William Ford is an individual whose mailing address is 2235 Highway 22 E, Owenton, KY 40359.
- C. Respondent Kemp Martin is an individual whose mailing address is 5965 Highway 127 N, New Liberty, KY 40355.

II

On the afternoon of September 20, 2008, on the grounds of the Kentucky Celebration Horse Show at Liberty, Kentucky, respondent Tom Ware failed and refused to permit an APHIS Veterinary Medical Officer to inspect horses in a barn area, in violation of section 5(9) of the Horse Protection Act (15 U.S.C. § 1824(9)).

III

On the evening of September 20, 2008, on the grounds of the Kentucky Celebration Horse Show at Liberty, Kentucky, respondents Tom Ware, William Ford, and Kemp Martin failed and refused to permit an APHIS Veterinary Medical Officer to inspect a horse, in violation of section 5(9) of the Horse Protection Act (15 U.S.C. § 1824(9)).

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 or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington, D.C.
this 1st day of October, 2012


Adley Administrator, Animal and Plant
Health Inspection Service

ROBERT A. ERTMAN
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