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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) Docket No.  
David Blake Sims )  
And Michael Chiappari, ) 13-0022  
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 David Blake Sims is an individual whose mailing address is 210 Big Springs Road, Bell Buckle, TN 37020.

B. Respondent Michael Chiappari is an individual whose mailing address is 3190 Regional Parkway, Santa Rosa, CA 95403.

C. At all times material hereto, respondent David Blake Sims was the trainer of the horse known as "Eagle's Finess" and entered this horse as Entry No. 501, Class No. 20, on June 19, 2009, at the Liberty Lions Club Walking Horse Show at Shelbyville, Tennessee.

D. At all times material hereto, respondent Michael Chiappari was the owner of the horse known as "Eagle's Finess" which was entered as Entry No. 501, Class No. 20, on June 19, 2009, at the Liberty Lions Club Walking Horse Show at Shelbyville, Tennessee.

E. At all times material hereto, respondent Michael Chiappari was the owner of the horse known as "Double Java" which was entered as Entry No. 66, Class No. 60, on August 28, 2009, at the Tennessee Walking Horse National Celebration at Shelbyville, Tennessee.

## II

A. On June 19, 2009, respondent David Blake Sims, 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 "Eagle's Finess" as Entry No. 501, in Class No. 20, at the Liberty Lions Club Walking Horse Show at Shelbyville, Tennessee, while the horse was sore.

B. On June 19, 2009, respondent Michael Chiappari, in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. §§ 1824(2)(B), (D)), entered and allowed the entry for the purpose of showing or exhibiting of the horse known as "Eagle's Finess" as Entry No. 501, in Class No. 20, at the Liberty Lions Club Walking Horse Show at Shelbyville, Tennessee, while the horse was sore.

## III

On August 28, 2009, respondent Michael Chiappari, in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. §§ 1824(2)(B), (D)), entered and allowed the entry for the purpose of showing or exhibiting of the horse known as "Double Java" as Entry No. 66, Class No. 60, on August 28, 2009, at the Tennessee Walking Horse National Celebration at Shelbyville, Tennessee,

while the horse was sore by virtue of being scarred as defined in section 11.3 of the regulations issued pursuant to the Act (9 C.F.R. § 11.3).

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 1<sup>st</sup> day of October, 2012

  
Acting Administrator  
Animal and Plant Health  
Inspection Service

ROBERT A. ERTMAN  
Attorney for Complainant  
Office of the General Counsel  
United States Department of  
Agriculture  
Washington, D.C. 20250-1417  
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13-0022

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## CERTIFIED RECEIPT REQUESTED

United States  
Department of  
Agriculture

October 17, 2012

Office of  
Administrative  
Law Judges

Hearing Clerk

David Blake Sims  
210 Big Springs Road  
Bell Buckle, TN 95403

Room 1031  
South Building

1400 Independence  
Avenue SW

Michael Chiappari  
3190 Regional Parkway  
Santa Rosa, CA 95403

Washington, DC  
20250-9200

(202) 720-4443  
(202) 720-9776 fax

Dear Respondents:

**Subject: David Blake Sims and Michael Chiappari, Respondents**  
Docket Number: 13-0022

Enclosed please find a copy of the Complaint, which has been filed with this office under the Horse Protection Act and a copy of the Rules of Practice that govern these proceedings. Please familiarize yourself with the rules a note that the comments which follow do not serve as a substitute for the Rules of Practice.

The rules specify that you may represent yourself or obtain legal counsel. If an attorney does not file an appearance on your behalf, it shall be presumed that you have elected to represent yourself. Most importantly, you have **20 days from the receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint.** It is necessary that your answer set forth any defense you may wish to assert, admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does address each material allegation of the complaint shall constitute an admission of those allegations and waive of your right to an oral hearing. If a hearing is required, it shall be formal in nature and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony that is subject to cross-examination.

It is your responsibility to notify this office of any changes in your address or telephone numbers. Failure to do so may result in a judgment being entered against you without your knowledge. Your answer, as well as any other pleadings or requests regarding this proceeding must be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, DC 20250-9200.

Any questions you may have regarding the possible settlement of this case should be directed to the attorney whose name and telephone number appears on the last page of the complaint.

Sincerely,



L. Eugene Whiffield  
Hearing Clerk

Enclosure(s)

CC: Robert Ertman, OGC  
Jo A. Brown, APHIS

CMA: 10/17/12

