

E. Respondent Joshua Clay Mills is an individual whose mailing address is 360 Toast Road, Mount Airy, NC 27030.

F. At all times material hereto, respondent Joshua Clay Mills was the constructive owner of the horse known as "Royal Luck" which was entered as Entry No. 52, Class No. 15, on May 21, 2009, at the 39th Annual Spring Fun Show at Shelbyville, Tennessee.

II

A. On May 21, 2009, respondents Brice Edwin "Eddie" Baucom and Jeanette Baucom, in violation of section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), entered the horse known as "Royal Luck" as Entry No. 52, Class No. 15, at the 39th Annual Spring Fun Show 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).

B. On May 21, 2009, respondent Joshua Clay Mills, 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 of the horse known as "Royal Luck" as Entry No. 52, Class No. 15, at the 39th Annual Spring Fun Show 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 the respondents 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 17th day of Sept., 2012



Adley

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
Telephone (202) 720-4982
robert.ertman@ogc.usda.gov