

USDA
OALJ/OHC
2012 SEP 11 AM 9:06
RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. 12-0624
)
Brice Edwin "Eddie" Baucom)
And Jeanette Baucom,)
)
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 Brice Edwin "Eddie" Baucom is an individual whose mailing address is 1713 Brief Road East, Monroe, NC 28110.

B. At all times material hereto, respondent Brice Edwin "Eddie" Baucom was a trainer of the horse known as "Charged At The Ritz" and entered this horse as Entry No. 460, Class No. 42, on July 10, 2009, at the Land-O-The-Sky Summer Festival at Fletcher, North Carolina.

C. Respondent Jeanette Baucom is an individual whose mailing address is 1723 Brief Road East, Monroe, NC 28110.

D. At all times material hereto, respondent Jeanette Baucom was a trainer of the horse known as "Charged At The Ritz" and entered this horse as Entry No. 460, Class No. 42, on July 10, 2009, at the Land-O-The-Sky Summer Festival at Fletcher, North Carolina.

II

On July 10, 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 "Charged At The Ritz" as Entry No. 460, Class No. 42, at the Land-O-The-Sky Summer Festival at Fletcher, North Carolina, 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 files 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 31st day of August, 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
Telephone (202) 720-4982
robert.ertman@ogc.usda.gov