Sound Horses-Honest Judging-Objective Inspections-Winning Fairly
P.O. Box 167 – Shelbyville, TN – 37162 Phone 931/684-9506 Fax 931/684-9538
www.showhio.com

October 5, 2009

Johnny Black
(b)(6)
(b)(6)

Subject: Letter of Warning

Johnny:

Upon receipt of your expense report from the Peoria, IL horse show which was held on September 19, 2009 it was found that you charged SHOW, Inc. for two (2) sessions.

This show had 28 classes and no breaks scheduled. Additionally the final thirteen (13) classes were timed event classes which are not required to be inspected by DQP.

You are in violation of Rule VII, Article A, Section 3(1) of the SHOW Rule Book which states:

> SHOW, Inc. shall issue a written warning to any DQP whom it has licensed who: (1) violates the Rules, regulations, bylaws or standards of conduct promulgated by SHOW…

Consider this your first Letter of Warning from SHOW, Inc.

Should you have any questions, please feel free to contact me.

Sincerely,

Tony Edwards
DQP Coordinator

JTE/rdr

Cc: Dr. Rachel Cezar – USDA
DQP Permanent File

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P.O. Box 167 – Shelbyville, TN – 37162 Phone 931/684-9506 Fax 931/684-9538
www.showhio.com

October 5, 2009

Johnny Black
(b)(6)
(b)(6)

Subject: 2nd Letter of Warning

Johnny:

During the 2009 Tennessee Walking Horse National Celebration you were overheard by two individuals advising the custodian of a horse, which was trained by Charlie Green, was going to be written as a scar rule although you had found the horse to be unilaterally sore.

Also, at the Brown County Fair in Georgetown, OH which was held October 2 & 3, 2009, you were observed by the DQP Coordinator at an inadequate inspection area where there was absolutely no visibility of the warm-up area, scales were not out so that chains could be weighed, you were not weighing chains of the post-show winners and in some instances you did not inspect 1st place horses post-show. You were observed allowing sore horses and horses in violation of the scar rule to show.

You are in violation of Rule VII, Article A, Section 3(1-3) of the SHOW Rule Book which states:

> SHOW, Inc. shall issue a written warning to any DQP whom it has licensed who: (1) violates the Rules, regulations, bylaws or standards of conduct promulgated by SHOW (2) who fails to follow SHOW uniform inspection procedures set forth in Rule VIII E, or (3) who fails to carry out his or her duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation.

Consider this your second Letter of Warning from SHOW, Inc. and your DQP license revoked.

You may, within 30 days of today, request a hearing before a review committee. If the committee sustains the cancellation of your DQP license, you may appeal the decision to the United States Department of Agriculture within 30 days from the date of such decision, and, pursuant to HPA Regulations, the USDA shall make a final determination in the manner.

Should you have any questions, please feel free to contact me.

Sincerely,

Tony Edwards
DQP Coordinator

JTE/rdr

Cc: Dr. Rachel Cezar – USDA
DQP Permanent File

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P.O. Box 167 – Shelbyville, TN – 37162 Phone 931/684-9506 Fax 931/684-9538
www.showhio.com

November 16, 2009

Johnny Black
(b)(6)
(b)(6)

VIA CERTIFIED MAIL

Subject: Appeal of DQP License Cancellation

Johnny:

SHOW, Inc. is in receipt of your letter of appeal regarding the decision to cancel your DQP License. Your letter was postmarked November 14, 2009 and was received by office staff November 16, 2009.

Please note, in the letter issued to you on October 5, 2009 (copy enclosed), the following information was included:

> "You may, within 30 days of today, request a hearing before a review committee."

A variation to this particular phrase is found in the rule book on page110, Rule VIII, Article A, Section 3 (copy enclosed):

> …Upon cancellation of his DQP license, the DQP may, within 30 days thereafter, request a Hearing before a review committee…

The time lapse between the aforementioned October 5, 2009 to November 14, 2009 is 41 days, 11 days past the required 30; therefore your right to appeal has passed and subsequently denied.

Should you have any questions, please feel free to contact me.

Sincerely,

Tony Edwards
DQP Coordinator

JTE/rdr

Cc: Dr. Rachel Cezar – USDA
DQP Permanent File

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P.O. Box 167 – Shelbyville, TN – 37162 Phone 931/684-9506 Fax 931/684-9538
www.showhio.com

October 5, 2009

COPY

Johnny Black
(b)(6)
(b)(6)

Subject: 2nd Letter of Warning

Johnny:

During the 2009 Tennessee Walking Horse National Celebration you were overheard by two individuals advising the custodian of a horse, which was trained by Charlie Green, was going to be written as a scar rule although you had found the horse to be unilaterally sore.

Also, at the Brown County Fair in Georgetown, OH which was held October 2 & 3, 2009, you were observed by the DQP Coordinator at an inadequate inspection area where there was absolutely no visibility of the warm-up area, scales were not out so that chains could be weighed, you were not weighing chains of the post-show winners and in some instances you did not inspect 1st place horses post-show. You were observed allowing sore horses and horses in violation of the scar rule to show.

You are in violation of Rule VII, Article A, Section 3(1-3) of the SHOW Rule Book which states:

> SHOW, Inc. shall issue a written warning to any DQP whom it has licensed who: (1) violates the Rules, regulations, bylaws or standards of conduct promulgated by SHOW (2) who fails to follow SHOW uniform inspection procedures set forth in Rule VIII E, or (3) who fails to carry out his or her duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation.

Consider this your second Letter of Warning from SHOW, Inc. and your DQP license revoked.

You may, within 30 days of today, request a hearing before a review committee. If the committee sustains the cancellation of your DQP license, you may appeal the decision to the United States Department of Agriculture within 30 days from the date of such decision, and, pursuant to HPA Regulations, the USDA shall make a final determination in the manner.

Should you have any questions, please feel free to contact me.

Sincerely,

Tony Edwards
DQP Coordinator

JTE/rdr

Cc: Dr. Rachel Cezar – USDA
DQP Permanent File

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P.O. Box 167 – Shelbyville, TN – 37162 Phone 931/684-9506 Fax 931/684-9538
www.showhio.com

November 16, 2009

Jeff Daniel
(b)(6)
(b)(6)

VIA CERTIFIED MAIL

Subject: Letter of Warning

Jeff:

You were scheduled and worked as SHOW, Inc. DQP on Saturday, October 31, 2009 at the WHOA Versatility show in Concord, NC.

The SHOW Rule Book, Rule VIII, Article B, Section 6 plainly points out that DQP Reports and applicable paperwork are due in the SHOW office within three (3) days after completion of the show/sale.

The paperwork from the aforementioned show in Concord, NC was mailed November 9, 2009 and received in the SHOW office on November 13, 2009. This timeline is unacceptable and therefore results in a Letter of Warning which will be placed in your permanent file.

Please contact me if you feel there were extenuating circumstances which resulted in your failure to forward the paperwork in a timely manner.

Thank you for your time.

Sincerely,

Tony Edwards
DQP Coordinator

JTE/rdr

Cc: Dr. Rachel Cezar, Horse Protection Coordinator
DQP Permanent File

USDA

United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Marketing &
Regulatory
Programs Business
Services

4700 River Road
Riverdale, MD
20737

JUL 01 2008

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Earl Rogers, Jr.
(b)(6)
(b)(6)

Dear Mr. Rogers:

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) enforces the Horse Protection Act (HPA). The HPA is a Federal law that prohibits horses subjected to a practice called soring from participating in shows, sales, exhibitions, or auctions.

It is our understanding that you are the President of the Kentucky Walking Horse Association, and that you functioned as the "Show Manager" at the 67th Annual Owingsville Lions Club Horse Show held during July 2-4, 2006 in Owingsville, Kentucky. On July 2, 2006, while APHIS, USDA Veterinary Medical Officers performed their duties, a crowd gathered around the inspection area and attempted to intimate [and harass] them. Pursuant to the regulations at Title 9 of the Code of Federal Regulations, section 11.6(c) it states that it shall be the responsibility of management to provide a means to control crowds or onlookers in order that APHIS personnel may carry out their duties without interference and with a reasonable measure of safety.

This letter is to inform you that at any future horse show that you are acting as Show Manager, it is your responsibility to ensure that persons viewing USDA inspections of horses are prevented from interfering with such inspections. Failure to adequately control the crowd may result in formal disciplinary proceedings against Show Managers.

This letter is also to remind you that while acting as president of the Kentucky Walking Horse Association, it is your responsibility for enforcing all provisions of the Horse Protection Act. Failure to do so may result in decertification of your horse industry organization.

If you have questions regarding this letter, please contact IES Chief of Enforcement, Allison Khroustalev, at the address above or at (301) 734-8759.

Sincerely,

(b)(6), (b)(7)c

Allison Khroustalev
Chief, Enforcement Operations Branch
Investigative and Enforcement Services

National Horse Show Commission, Inc.

National Horse Show Commission, Inc.

P. O. BOX 167 · SHELBYVILLE, TENNESSEE 37162 · PHONE 931/684-9506 · FAX 931/684-9538
WWW.NATIONALHORSESHOWCOMMISSION.ORG

August 21, 2008

Dr. Chester Gipson
USDA, APHIS, Animal Care
4700 River Road
Riverdale, MD 20737

Dear Dr. Gipson,

This is in response to your letter of August 12, 2008, regarding a recent amendment made to the NHSC rulebook. In that amendment, NHSC added penalties for horses that will not lead freely and which react to hoof testers.

Your letter states that this new amendment was added to the NHSC Rule Book without requesting approval from the Deputy Administrator prior to implementing, and that this amendment will not be approved now or at a later date, since it is not in compliance with the penalties outlined in the Operating Plan. We concur that we failed to request approval for this amendment, and we apologize for this oversight. As such, we immediately removed this amendment as you requested. We would like to clarify, however, that our purpose in imposing this amendment was to strengthen compliance with the Horse Protection Act (HPA), not to circumvent penalties in the Operating Plan. Prior to our amendment, as we understand it, there were no penalties for positive findings on hoof testers alone.

We are concerned, however, with several apparent positions stated in your letter, and we feel that we need to explore those further to ensure we have a mutual understanding of those positions, and how they impact the use of hoof testers.

Your letter states that "a horse that reacts positive to one foot after applying the hoof testers is considered unilateral sore and 30 days suspension should be applied. Furthermore, a horse that reacts positive on both front feet after applying the hoof testers is considered bilateral sore, and the 8 month suspension should be applied." It is our understanding that under the Operating Plan, the inspection of horses for purposes of determining compliance with the HPA involves an evaluation of the horse's appearance, locomotion, and a physical examination. It is also our understanding that any DQP or VMO who is inspecting a horse shall complete all three components of the inspection protocol before rendering any findings based on inspection. Your letter seems to imply that the use of hoof testers alone is acceptable for inspection and that no other evaluation is needed. We would like to explore that further with USDA, as that is not our understanding of the procedures in the Operating Plan.

Further, earlier this year, per the request of the HIOs, Dr. Doug Corey of the American Association of Equine Practitioners (AAEP) addressed the use of hoof testers for the diagnosis of pressure

shoeing. According to Dr. Corey, most hoof testers can be subjective and are not 100% diagnostic as it varies from person to person as to response, but that hoof testers are a good tool. Furthermore, various veterinary literature states (in addition to pain caused by intentional processes such as pressure shoeing), hoof testers may elicit a positive response for many reasons, including stone bruises, sole abscesses, and other such problems, and that even some normal horses will show a withdrawal response if long-armed hoof testers are used. Therefore, it is our understanding that hoof testers are a good tool in the evaluation of hoof problems, but should not be used alone to determine that a horse is legally " sore " under the Horse Protection Act (HPA).

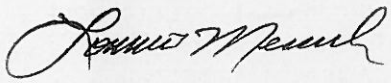
Your letter further states that "a horse with pain in its sole is considered a sore horse." It is our understanding that the definition of "sore" under the HPA implies an action by a person to do something to a horse that "can cause or can reasonably be expected to cause that horse suffering, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving." Since it is apparent that a stone bruise, laminitis, and other such problems can cause pain in the sole of a horse, it does not seem accurate that every horse with pain in its sole should be legally considered sore. That being said, we agree that horses that show pain in their sole should be further evaluated to determine if they are legally sore or not, and should not be allowed to show.

It seems to us that hoof testers would best be used as one tool in the evaluation of horses for show. We believe that if a horse tests positive on hoof testers, it should be prevented from showing, and should be further evaluated. If that horse is then found to be legally sore, we concur that penalties should be applied as per the Operating Plan. Our amendment to our rule book was an attempt to increase compliance with the HPA, and to keep horses that test positive to hoof testers out of the show ring. We do not feel that hoof testers alone can determine that a horse is legally sore in most cases, yet we wanted to impose a penalty of some kind as a way to attempt to ensure that only sound horses were presented and allowed to show.

We would like to work with USDA to determine the best way to use hoof testers as a tool in the enforcement of the HPA. We propose that the HIOs and USDA work together to determine a protocol for the use of the hoof testers, including when they should be used, and what follow up should occur for the evaluation of horses that test positive to determine if they are indeed legally sore. We would then like to develop an amendment for our NHSC rulebook to address the issue that you can concur with.

We look forward to working with USDA to resolve this issue.

Sincerely,



Lonnie Messick
Executive Vice President

(b)(6)

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Animal Care
4700 River Road
Riverdale, MD 20737

May 29, 2009

Dr. Doyle G. Meadows
SHOW HIO
P.O Box 1010
Shelbyville, TN 37162

Dear Dr. Meadows,

This is to advise you of concerns the Department has based on our observations at shows affiliated with SHOW.

Crowd control in the inspection area:

According to the Horse Protection Regulations,
Sec 11.21 (b) Only the horse, the rider, the groom, the trainer, the DQP(s) and APHIS representatives shall be allowed in the designated area.

The Department observed during the Celebration Fun Show from May 21-23, 2009, the inspection area being closely monitored whereas the warm-up area was not. There was a lack of crowd control with an excessive number of unauthorized individuals in the warm-up area. According to the Horse Protection Regulations, only the groom, trainer, rider, and DQP or APHIS representative are authorized to be in the warm-up area. Many of the unauthorized individuals were present in the warm-up area for the entire show observing the inspection process. Specifically, a woman was videotaping every inspection in the warm-up area. Purportedly she was with show management; however, it is our understanding that she was paid by the owners' membership and worked as a member of Mr. Jerry Harris' video company. The video being produced was to be used for a commentated broadcast on his local television show. The presence of these individuals posed a safety risk, as many were children, in addition to the possibility of inciting the crowd, as has happened in previous situations. While representatives of the Department did attempt to assist the Horse Industry Organization (HIO) and show management with monitoring these areas, it is not the responsibility of the Department. As a certified HIO, you are responsible for working with show management of the shows affiliated with you to develop procedures for proper enforcement of the Horse Protection Act and Regulations.

Pre-inspections conducted in the barn area:

While we understand that these pre-inspections were coordinated by the Walking Horse Owners Association and were conducted for owners' education, unfortunately, they did

create a disturbance in the inspection area when results of pre-inspections were in conflict with the official inspection conducted by the DQPs and VMOs.

The following are examples:

- Multiple custodians would argue with DQPs and VMOs that they were given a "clean bill" at the pre-inspection station in the barn; thus, there should be no HPA violation found on their horses.
- Some custodians were given a piece of paper to show the DQPs and VMOs, stating "cleared to proceed to the USDA inspections".

The perception that the pre-inspection would be honored during the official inspection and the contentious atmosphere created during the inspection process is considered interference with the inspection process. While the intent of the pre-inspection was to educate the owner, the unintended consequences must be mitigated to prevent a disruption that will result in a loss of control as experienced in past situations. As previously stated, as a certified HIO, you are responsible for working with show management of the shows affiliated with you to develop procedures for proper enforcement of the Horse Protection Act and Regulations.

According to the Horse Protection Regulations,
Sec 11.6(c) A means to control crowds or onlookers in order that APHIS personnel may carry out their duties without interference and with a reasonable measure of safety, if requested by the APHIS Show Veterinarian.

According to the Horse Protection Act,
Sec 6 (C) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punishable as provided under sections 1111 and 1112 of title 18.

As stated previously, we understand the owners need further education about the enforcement of the Horse Protection Act; however, it needs to be done without interfering with enforcement of the Act and Regulations by the DQPs and VMOs.

This letter serves not only as a reminder, but also as the first formal warning about violating the Horse Protection regulations in regards to Sec 11.21 (b), Sec 11.6 (c), and violating the Horse Protection Act in regards to Sec 6 (C). Please know that the Department is monitoring horse shows, announced and unannounced, and that we expect all HIOs to enforce the Horse Protection Act and regulations as written.

If SHOW fails to enforce the Act and Regulations as written, the Department will begin the process of decertification of the HIO DQP program per the HPA regulations. A HIO may appeal decertification as outlined in 9 CFR 11.7 (g).

We wish nothing but success for the Walking Horse industry. However, please understand that the Department remains firmly resolved to carry out its duties under the Horse Protection Act to eliminate the cruel and inhumane practice of soring.

Sincerely,

(b)(6), (b)(7)c

Chester A. Gipson
Deputy Administrator
Animal Care

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Riverdale, MD 20737

November 6, 2009

Kenny Smith, Chairman
Kentucky Walking Horse Association
P.O. Box 175
McKinney, KY 40448

Dear Mr. Smith:

This letter is a request for the Kentucky Walking Horse Association (KWHA) to issue a Letter of Warning (LOW) to Mr. Les Acres #1013 for his failure to carry out his duties and responsibilities as a Designated Qualified Person (DQP) in a satisfactory manner at The Western States Celebration. The show was held at the Mojave Crossing Event Center in Bullhead City, AZ and USDA representative was in oversight attendance on October 17, 2009, and October 18, 2009.

The primary function of a DQP, as stated in Section 4 of the Horse Protection Act, is to "detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing the Act." A DQP that is incapable of identifying or refuses to properly identify a horse that is sore or otherwise in violation is performing his or her duties in a less than satisfactory manner and may be unfit to be a DQP.

It was observed that Mr. Acres did not palpate the anterior surfaces of any horses post showing (as is required in 11.21(a) (2)):

(2) The DQP shall digitally palpate the front limbs of the horse from knee to hoof, with particular emphasis on the pasterns and fetlocks. The DQP shall examine the posterior surface of the pastern by picking up the foot and examining the posterior (flexor) surface. The DQP shall apply digital pressure to the pocket (sulcus), including the bulbs of the heel, and continue the palpation to the medial and lateral surfaces of the pastern, being careful to observe for responses to pain in the horse. **While continuing to hold onto the pastern, the DQP shall extend the foot and leg of the horse to examine the front (extensor) surfaces, including the coronary band.**

Also, there was evidence of an owner showing their horse that was on Friends of Sound Horse (FOSH) HPA suspension. Mr. Acres is responsible for not allowing people under HPA suspension to show their horses.
The specific information is the following at this show:

Class: Park Performance Specialty Stake
Horse: Sunset Boulevard
Owner: Mike and Marilee Moran

The information regarding the HIO HPA Suspension is:

> Michael Moran of Yucaipa, CA 92399 for failure to have horse inspected at FOSH affiliated horse show.
> Fine is $1,000.00 and suspension is from 11/19/2008 to 11/18/2009.

Section 11.7(f) of the Horse Protection Regulations provides:
Cancellation of DQP License. (1) Each horse industry organization or association having a DQP program certified by the Department shall issue a written warning to any DQP whom it has licensed who violates the rules, regulations, by-laws, or standards of conduct promulgated by such horse industry organization or association pursuant to this section, who fails to follow the procedures set forth in Section 11.21 of this part, or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation.

The failure to properly inspect horses, directed by the Horse Protection Act and regulations, by Mr. Acres at the Western States Celebration is unacceptable to the Department and warrants a LOW.

Poor performance of a DQP reflects badly on a certified USDA Horse Industry Organization and can lead to decertification of their program. Therefore, it is necessary for KWHA to follow through with this request or provide the Department an explanation of Mr. Acres' performance by December 15, 2009.

Sincerely,

(b)(6), (b)(7)c

Chester A. Gipson
Deputy Administrator
Animal Care

cc: Gayle McCammon, DQP Coordinator

USDA

United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

Riverdale, MD
20737

November 6, 2009

Kenny Smith, Chairman
Kentucky Walking Horse Association
P.O. Box 175
McKinney, KY 40448

Dear Mr. Smith:

This letter is a request for the Kentucky Walking Horse Association (KWHA) to issue a Letter of Warning (LOW) to Mr. Ted Poland #1005 for his failure to carry out his duties and responsibilities as a Designated Qualified Person (DQP) in a satisfactory manner at The North Carolina Championship Walking Horse Show.
The show was held at the Western North Carolina Agricultural Center, Fletcher, NC and the United States Department of Agriculture (USDA) representatives were in oversight attendance on October 9, 2009, and October 10, 2009.

The primary function of a DQP, as stated in Section 4 of the Horse Protection Act, is to "detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing the Act." A DQP that is incapable of identifying or refuses to properly identify a horse that is sore or otherwise in violation is performing his or her duties in a less than satisfactory manner and may be unfit to be a DQP.

Mr. Poland failed to identify horses that were in violation of the Horse Protection Act. Specifically:

- Entry #229 in class #28 was found to be unilaterally sore pre-show by the VMOs. This horse was referred back to DQP #1005 Ted Poland who found no violation.
- Entry #248 in class #32 was found to be unilaterally sore pre-show by the VMOs. This horse was referred back to DQP #1005 Ted Poland who found no violation.
- Entry #95 in class #32 was found to be unilaterally sore pre-show by the VMOs. This horse was referred back to DQP #1005 Ted Poland who found no violation.
- Entry #413 in class #53 was found to be unilaterally sore pre-show by the VMOs. This horse was referred back to DQP #1005 Ted Poland who found no violation.
- Entry #370 in class #63 was found to be unilaterally sore pre-show by the VMOs. This horse was referred back to DQP #1005 Ted Poland who found no violation.

Section 11.7(f) of the Horse Protection Regulations provides:
Cancellation of DQP License. (1) Each horse industry organization or association having a DQP program certified by the Department shall issue a written warning to any DQP whom it has licensed who violates the rules, regulations, by-laws, or standards of conduct promulgated by such horse industry organization or association pursuant to this section, who fails to follow the procedures set forth in Section 11.21 of this part, or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation.

The failure to identify horses in violation of the Horse Protection Act by Mr. Poland at the North Carolina Championship Walking Horse Show is unacceptable to the Department and warrants a LOW.

Poor performance of a DQP reflects badly on a certified USDA Horse Industry Organization and can lead to decertification of their program. Therefore, it is necessary for KWHA to follow through with this request or provide the Department an explanation of Mr. Poland's performance by December 15, 2009.

Sincerely,

(b)(6), (b)(7)c

Chester A. Gipson
Deputy Administrator
Animal Care

cc: Gayle McCammon, DQP Coordinator

National Horse Show Commission, Inc.

P. O. BOX 167 · SHELBYVILLE, TENNESSEE 37162 · PHONE 931/684-9506 · FAX 931/684-9538
WWW.NATIONALHORSESHOWCOMMISSION.ORG

December 16, 2008

David Finger
(b)(6)
(b)(6)

David:

The NHSC Board of Directors met Monday, December 15, 2008 and discussed your request for appeal regarding the Letter of Warning issued to you at the request of the USDA.

It was the decision of the Board that your appeal be denied, therefore the Letter of Warning stands.

This the first Letter of Warning issued to you while employed as a DQP with the NHSC. Should you receive a second Letter of Warning your DQP License will be revoked.

Thank you and should you have any questions, please feel free to call.

Sincerely,

Lonnie Messick
Executive Vice President

JLM/rdr

Cc: Dr. Rachel Cezar, USDA-APHIS
DQPs Permanent File

National Horse Show Commission, Inc.

P. O. BOX 167 · SHELBYVILLE, TENNESSEE 37162 · PHONE 931/684-9506 · FAX 931/684-9538
WWW.NATIONALHORSESHOWCOMMISSION.ORG

December 16, 2008

Curtis Pittman
(b)(6)
(b)(6)

Curtis:

The NHSC Board of Directors met Monday, December 15, 2008 and discussed your request for appeal regarding the Letter of Warning issued to you at the request of the USDA.

It was the decision of the Board that your appeal be denied, therefore the Letter of Warning stands.

This the first Letter of Warning issued to you while employed as a DQP with the NHSC. Should you receive a second Letter of Warning your DQP License will be revoked.

Thank you and should you have any questions, please feel free to call.

Sincerely,

Lonnie Messick
Executive Vice President

JLM/rdr

Cc: Dr. Rachel Cezar, USDA-APHIS
DQPs Permanent File

National Horse Show Commission, Inc.

P. O. BOX 167 · SHELBYVILLE, TENNESSEE 37162 · PHONE 931/684-9506 · FAX 931/684-9538
WWW.NATIONALHORSESHOWCOMMISSION.ORG

December 16, 2008

Ted Poland
(b)(6)
(b)(6)

Ted:

The NHSC Board of Directors met Monday, December 15, 2008 and discussed your request for appeal regarding the Letter of Warning issued to you at the request of the USDA.

It was the decision of the Board that your appeal be denied, therefore the Letter of Warning stands.

This the first Letter of Warning issued to you while employed as a DQP with the NHSC as stipulated by the 2006-2008 contract between the NHSC and the KY-HIO.

Thank you and should you have any questions, please feel free to call.

Sincerely,

Lonnie Messick
Executive Vice President

JLM/rdr

Cc: Dr. Rachel Cezar, USDA-APHIS
KY-HIO

USDA

United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

Riverdale, MD
20737

November 6, 2009

Kenny Smith, Chairman
Kentucky Walking Horse Association
P.O. Box 175
McKinney, KY 40448

Dear Mr. Smith:

This letter is a request for the Kentucky Walking Horse Association (KWHA) to issue a Letter of Warning (LOW) to Mr. Ricky McCammon #1011 for his failure to carry out his duties and responsibilities as a Designated Qualified Person (DQP) in a satisfactory manner at The North Carolina Championship Walking Horse Show.
The show was held at the Western North Carolina Agricultural Center, Fletcher, NC and USDA representatives were in oversight attendance on October 9, 2009, and October 10, 2009.

The primary function of a DQP, as stated in Section 4 of the Horse Protection Act, is to "detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing the Act." A DQP that is incapable of identifying or refuses to properly identify a horse that is sore or otherwise in violation is performing his or her duties in a less than satisfactory manner and may be unfit to be a DQP.

Mr. McCammon failed to identify horses that were in violation of the Horse Protection Act. Specifically:

- Entry #82 in class #25 was found to be in scar rule violation pre-show by the VMOs. This horse was referred back to DQP #1011 Ricky McCammon who found no violation.

- Entry #85 in class #45 was found to be bilaterally sore pre-show by the VMOs. This horse was referred back to DQP #1001 Ricky McCammon who found no violation.

- Entry #349 in class #57 was found to be in scar rule and foreign substance violation pre-show by the VMOs. This horse was referred back to DQP #1011 Ricky McCammon who found no violation.

- Entry #395 in class #60B was found to be unilaterally sore pre-show by the VMOs. This horse was referred back to DQP #1011 Ricky McCammon who found no violation.

- Entry #340 in class #68 was found to be unilaterally sore post show by the VMOs. This horse was referred back to DQP #1011 Ricky McCammon who found no violation.

Section 11.7(f) of the Horse Protection Regulations provides:
Cancellation of DQP License. (1) Each horse industry organization or association having a DQP program certified by the Department shall issue a written warning to any DQP whom it has licensed who violates the rules, regulations, by-laws, or standards of conduct promulgated by such horse industry organization or association pursuant to this section, who fails to follow the procedures set forth in Section 11.21 of this part, or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation.

The failure to identify horses in violation of the Horse Protection Act by Mr. McCammon at the North Carolina Championship Walking Horse Show is unacceptable to the Department and warrants a LOW.

Poor performance of a DQP reflects badly on a certified USDA Horse Industry Organization and can lead to decertification of their program. Therefore, it is necessary for KWHA to follow through with this request or provide the Department an explanation of Mr. McCammon's performance by December 15, 2009.

Sincerely,

(b)(6), (b)(7)c

Chester A. Gipson
Deputy Administrator
Animal Care

cc: Gayle McCammon, DQP Coordinator

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Riverdale, MD 20737

November 6, 2009

Jim Mann, President
Missouri Fox Trotting Horse Breed Association, Inc.
P.O. Box 1027
Ava, MO 65608

Dear Mr. Mann:

This letter is a request for the Missouri Fox Trotting Horse Breeders Association (MFTHBA) to issue a Letter of Warning (LOW) to the following DQPs: Mike Osborn, Lee Yates and Tom Wallace for their failure to carry out their duties and responsibilities as Designated Qualified Persons (DQPs) in a satisfactory manner at MFTHBA Fall Championship Horse Show. The show was held in Ava, MO and USDA representatives were in oversight attendance on September 10, 2009 and September 11, 2009.

The primary function of a DQP, as stated in Section 4 of the Horse Protection Act, is to "detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing the Act." A DQP that is incapable of identifying or refuses to properly identify a horse that is sore or otherwise in violation is performing his or her duties in a less than satisfactory manner and may be unfit to be a DQP.

It was observed that these three DQPs did not palpate the horses as is required in 11.21(a)(2)) of the regulations. Also, Mr. Osborn informed the USDA representatives that MFTHBA Horse Industry Organization (HIO) interpretation of the scar rule was not in correlation with USDA and what was provided to them during the annual DQP training. Video footage of the USDA representatives' observations will accompany this letter for your review.

Section 11.7(f) of the Horse Protection Regulations provides:

Cancellation of DQP License. (1) Each horse industry organization or association having a DQP program certified by the Department shall issue a written warning to any DQP whom it has licensed who violates the rules, regulations, by-laws, or standards of conduct promulgated by such horse industry organization or association pursuant to this section, who fails to follow the procedures set forth in Section 11.21 of this part, or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation.

The failure to properly inspect horses, directed by the Horse Protection Act and regulations, by Mr. Osborn, Ms. Yates, and Mr. Wallace at the MFTHBA Fall Championship Show is unacceptable to the Department and warrants a LOW or license removal.

Poor performance of a DQP reflects badly on a certified USDA HIO and can lead to decertification of their program. Therefore, it is necessary for MFTHBA to follow through with this request or provide the Department an explanation of the performance of these three DQPs by December 15, 2009.

Sincerely,

(b)(6), (b)(7)c

Chester A. Gipson
Deputy Administrator
Animal Care

cc: George Casper, DQP Coordinator

USDA

OCT 30 2008

United States Department of Agriculture

Animal and Plant Health Inspection Service

4700 River Road
Riverdale, MD
20737

Mr. Mark Farrar, Chairperson
National Horse Show Commission, Inc.
P.O. Box 167
1021 Colloredo Blvd.
Shelbyville, TN 37162

Dear Mr. Farrar:

This letter is a request for the National Horse Show Commission to issue a Letter of Warning (LOW) to Mr. David Finger for his failure to carry out his duties and responsibilities as a Designated Qualified Person (DQP) Coordinator in a satisfactory manner at the 70th Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

On the evening of August 23, 2008, Entry #1888 in Class 74A was inspected preshow by DQP Ted Poland and passed. The horse was then inspected by Dr. Tanya Tims, a Veterinary Medical Officer (VMO) representing the U.S. Department of Agriculture (USDA), and found to be in violation of the scar rule. The horse was referred back to DQP Andy Messick and a ticket (#26664) was written for Scar Rule Violation. After the ticket was written by DQP Messick, it was reversed approximately ½ hour later by DQP Coordinator, David Finger. After the decision by the DQPs in the inspection area, the horse was taken just outside the DQP inspection area at the back door and examined by Dr. Bennett, a practicing veterinarian attending the show. After the examination by Dr. Bennett, Mr. Finger informed Dr. Tims that the ticket would not be written and the horse would be placed in conflict resolution. The USDA did not gather information for a federal case, as is customary in conflict resolution situations, because of the decision to write a ticket based on the DQP examination of the horse in the inspection area. On the evening of August 24, Dr. Rick Kirsten met with Mr. Finger and counseled him that incidents like that detailed above were not acceptable and if continued, it would force the USDA to collect information for Federal Cases on all referred violations.

On August 26, Mr. Finger was overheard by Dr. Rick Kirsten criticizing and making remarks about the palpation techniques of Dr. Miava Binkley, VMO representing USDA, to the custodian of Entry #2096 in Class 124. Mr. Finger was reminded by Dr. Kurt Hamel the USDA Show Veterinarian, that the appropriate procedure was to discuss concerns with the USDA Show Veterinarian or the USDA Horse Protection Coordinator Dr. Rachel Cezar. Mr. Finger was encouraged to provide video to support his allegations and agreed not to discuss his concerns about VMO palpation techniques in front of exhibitors or custodians in the future.

On August 27, the next evening, Mr. Finger again had to be counseled about making statements regarding USDA VMO inspections in front of custodians. Investigation and Enforcement Service's Investigator Brad Smith stated that he heard Mr. Jimmy McConnell use an explicit word and Mr. Finger replying, "I know, this horse is moving before any one touches him." Mr. Finger agreed that he had said that, but denied

saying it to Mr. McConnell. He stated that he said it to DQP Charles Thomas. Dr. Susan Kingston, USDA Show Veterinarian for that evening, informed him this is not the venue to be making those types of comments. She explained that he would not want us to make derogatory comments about the DQP inspections in front of custodians, and we didn't appreciate him doing that to us. Dr. Kingston further went on to explain that his actions were the type of thing that helped incite the crowd during the 2006 Celebration. She reminded him that this had already been discussed with him just yesterday. Mr. Finger stated that he would not say anything to the custodians.

Section 11.7(f) of the Horse Protection Regulations provides:

"*Cancellation of DQP License.* (1) Each horse industry organization or association having a DQP program certified by the Department shall issue a written warning to any DQP whom it has licensed who violates the rules, regulations, by-laws, or standards of conduct promulgated by such horse industry organization or association pursuant to this section, who fails to follow the procedures set forth in Section 11.21 of this part, or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation…."

Mr. Finger's continued open criticism of the USDA Veterinarians, even after being counseled, is not appropriate behavior from a DQP Coordinator and has the potential for inciting the members of the industry and crowd at the show and will not be tolerated. The USDA has in good faith, made the effort to work closely with the DQPs, creating a uniformed inspection team, to enforce the Horse Protection Act. Comments made by Mr. Finger tend to undermine the gains made in a collaborative uniformed inspection system. An avenue is available for complaints about VMO performance and should be utilized if warranted.

Mr. Finger's role in the overturning of a DQP ticket is equally disturbing. The determination of an inspection <u>must</u> be made when the horse is presented in the inspection area, not after the horse has left the inspection area and after a decision has been made by the DQPs. This action is a major violation of the regulations and should not occur again under any circumstance. Once a horse has left the inspection area, the custodian has every right to have his veterinarian examine the horse. However, that exam has no bearing on the findings by the DQP or VMO in the inspection area.

The conduct and actions of Mr. Finger are totally unacceptable to the Department and warrant a Letter of Warning.

Sincerely,

(b)(6), (b)(7)c

Rachel Cezar, DVM
Horse Protection Coordinator
Animal Care

Cc: Lonnie Messick, NHSC, Shelbyville, TN

USDA

OCT 30 2008

United States Department of Agriculture

Animal and Plant Health Inspection Service

4700 River Road
Riverdale, MD
20737

Mr. Mark Farrar, Chairperson
National Horse Show Commission, Inc.
P.O. Box 167
1021 Colloredo Blvd.
Shelbyville, TN 37162

Dear Mr. Farrar:

This letter is a request for the National Horse Show Commission to issue a Letter of Warning (LOW) to Mr. Curtis Pittman for his failure to carry out his duties and responsibilities as a Designated Qualified Person (DQP) in a satisfactory manner at the 39th Annual East Tennessee Walking Horse Classic in White Pine, Tennessee.

On the evening of June 19, 2008, Mr. Pittman examined and passed a black two year old horse, entry #102 in Class 8, which did not walk very well. Dr. Miava Binkley, a Veterinary Medical Officer representing the U.S. Department of Agriculture, examined the horse and found it clearly sore on the right foot. The horse was referred back to Mr. Pittman. He and the custodian of the horse had a discussion and the horse walked away without further inspection. When asked about the status of the horse, Mr. Pittman stated that the custodian agreed to take the "one foot" (Ticket number 25986).

The ticket was then appealed to the NHSC Hearing Committee and was determined to be unfounded. The primary rationale for this decision was that Mr. Pittman did not find the horse to be sore on one foot since he did not re-inspect the horse, even though he did write the ticket. Thus, the trainer and owner were not penalized for this violation.

The primary function of a DQP, as stated in Section 4 of the Horse Protection Act (HPA), is to "detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing the Act." A DQP that is incapable of identifying or refuses to properly identify a horse that is sore or otherwise in violation is performing his or her duties in a less than satisfactory manner and may be unfit to be a DQP.

Section 11.7(f) of the Horse Protection Regulations provides:

"*Cancellation of DQP License.* (1) Each horse industry organization or association having a DQP program certified by the Department shall issue a written warning to any DQP whom it has licensed who violates the rules, regulations, by-laws, or standards of conduct promulgated by such horse industry organization or association pursuant to this section, who fails to follow the procedures set forth in Section 11.21 of this part, or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation...."

The conduct and actions of Mr. Pittman are totally unacceptable to the Department and warrant a Letter of Warning.

In addition, Section 11.7(g) of the Regulations provides as follows:

"Any horse industry organization or association having a Department certified DQP program that…fails to comply with the requirements contained in this section, may have such certification of its DQP program revoked, unless, upon written notification from the Department of such failure to comply with the requirements in this section, such organization or association takes immediate action to rectify such failure and takes appropriate steps to prevent a recurrence of such noncompliance within the time period specified in the Department notification, or otherwise adequately explains such failure to comply to the satisfaction of the Department...."

It has come to my attention that in the past DQPs from the NHSC have written an industry ticket for a HPA violation to the custodian as an alternative to receiving a federal violation or having the violation placed in conflict resolution. Then the violation is routinely appealed to the NHSC Hearing Committee and is determined to be unfounded mainly because the DQP will state that they did not have that finding based upon their examination. This practice is unacceptable and must stop. The DQP must correctly document his or her findings and be able to testify that the violation was based on their examination. The NHSC is hereby notified that corrective and preventive action must take place by January 1, 2009, with additional emphasis during the 2009 VMO/DQP Joint Training. Notification of action taken should be sent to me by January 1, 2009. Failure to take corrective and preventive action within the time frame specified herein shall result in the revocation of the Department's certification of the NHSC's DQP program.

Sincerely,

(b)(6), (b)(7)c

Rachel Cezar, DVM
Horse Protection Coordinator
Animal Care

Cc:
Lonnie Messick, NHSC, Shelbyville, TN

USDA Animal Care

United States Department of Agriculture

Animal and Plant Health Inspection Service

4700 River Road
Riverdale, MD
20737

May 19, 2009

Dr. Doyle G. Meadows
SHOW HIO
P.O. Box 1010
Shelbyville, TN 37162

Dear Dr. Meadows:

Thank you for your letter of May 11, 2009. We fully understand the difficulty your organization is facing after filling the industry void created from the dissolvement of the National Horse Show Commission (NHSC). We appreciate SHOW's commitment to improve their inspection process and very much want SHOW and every Horse Industry Organization (HIO) to be successful in their duties to enforce the Horse Protection Act (HPA).

The primary role of our Veterinary Medical Officers (VMOs) at a show is to observe and monitor the activities of the Designated Qualified Persons (DQP) Program. Our VMOs watch the horses as they are presented for inspection and the inspection procedures by the DQP. If a VMO suspects that a horse is in violation or that the DQP did not do an adequate inspection, we will inspect that horse. In addition, we may randomly inspect horses after a DQP inspection to determine if that DQP is doing a good job.

We too are concerned about the industry's reluctance to bring horses for inspection. We have implemented new technology for more objective inspections, held education seminars and scar rule clinics to answer any questions about what is in violation of the HPA. If an owner/trainer has a horse that is in compliance with the HPA and regulations, there is no reason not to bring that horse up to inspection.

As was discussed in the meeting on May 11, 2009, the industry is victimized by a lack of communication. The chat rooms and lack of credible information from the industry leaders fuel this situation resulting in the uncertainty within the industry about the inspection process and whether to exhibit their horses.

We simply want to enforce the law in an honest, transparent, and objective way. The goal is to use both technology and better training for USDA inspectors and DQPs to reduce and hopefully eventually eliminate uncertainty about what constitutes a violation of the HPA.

Only with a strong commitment from the Tennessee Walking Horse industry can the enforcement of the HPA be successful, the future of the industry prosper and the cruel and inhumane practice of soring be eliminated.

Sincerely,

(b)(6), (b)(7)c

Chester A. Gipson
Deputy Administrator
Animal Care

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

Riverdale, MD 20737

November 6, 2009

Mack Motes, HIO Director
Spotted Saddle Horse Breeders and Exhibitors Association
P.O. Box 1046
2519 Highway 231 North
Shelbyville, TN 37162

Dear Mr. Motes:

This letter is to follow up with our conference call on October 16, 2009 concerning the issues brought to our attention by multiple individuals within the industry and also outside of the industry about the Spotted Saddle Horse Breeders and Exhibitors Association (SSHBEA) Fall Championship in Shelbyville, TN held from September 28, 2009 to October 3, 2009.

There appeared to be a misconception that horses entered in versatility classes were not to be inspected at the horse show. Please be advised that versatility classes are ones where horses are not exhibiting an accentuated gait. They also include classes where speed is the prime factor, as well as rodeo events, parades, and trail rides. From the previous phone conversation, it was concluded that SSHBEA would not inspect horses with the tack off that are entered in the versatility classes explained above.

The Department received video footage from the public that we would appreciate an explanation about; namely, the performance of the DQP, Keith Smith, as well as the bad imaged horses in the warm up arena and the show ring. It was observed that Mr. Smith did not palpate the horses as is required in 11.21 of the regulations. Also a horse responded positively to the slightest palpation by Mr. Smith but was not considered sore. We have provided a copy of the video footage for your review as well.

Please remember the primary function of a DQP, as stated in Section 4 of the Horse Protection Act, is to "detect and diagnose a horse which is sore or to otherwise inspect horses for the purposes of enforcing the Act." A DQP that is incapable of identifying or refuses to properly identify a horse that is sore or otherwise in violation is performing his or her duties in a less than satisfactory manner and may be unfit to be a DQP.

Poor performance of a DQP reflects badly on a certified USDA Horse Industry Organization and can lead to decertification of their program. Therefore, it is necessary for you to provide the Department action taken by SSHBEA as a result of the performance of Mr. Smith by December 15, 2009.

Sincerely,

(b)(6), (b)(7)c

Chester A. Gipson
Deputy Administrator
Animal Care

cc: Danny Ray Davis, DQP Coordinator

National Horse Show Commission, Inc.

P. O. BOX 167 · SHELBYVILLE, TENNESSEE 37162 · PHONE 931/684-9506 · FAX 931/684-9538

October 8, 2002

Ricky Statham
(b)(6)
(b)(6)

Dear Ricky:

This letter is in reference to DQP ticket #22852 that you, along with DQP John Cordell, wrote for the horse "Willy Bust", September 22, 2002 at the 31st Annual Racking Horse World Celebration". This horse was scored a seven (7) on both DQP examination sheets and a bilateral sore ticket was written. The trainer of the horse, John Sanders, reported that although two (2) DQP examination sheets were filled out on this horse, only one (1) DQP did the actual physical examination of the horse. According to National Horse Show Commission (NHSC) Rule IX, Section C, paragraph 10, (iii):

> **For an allegation of a 7, 8 or 9 point Violation to be sustained, the following shall be required:**
>
> **At least two (2) DQP's, if two are present, shall conduct said examination, and their findings must concur before a score of 7, 8, or 9, is given.**

After talking with all involved, I have found that although there were three (3) DQP's present at the show the night the ticket was written, you were the only DQP to perform an examination of the horse. Since NHSC DQP's did not follow the proper procedure in inspecting this horse, I was forced to void DQP ticket #22852.

Please let this be a warning to you that all NHSC rules must be adhered to when writing a DQP ticket. In the future, please remember that if two (2) DQP's are present at a show, **both** DQP's must do a full and proper inspection of the horse before a score of 7, 8, or 9, point score is given, and both DQP examination sheets must be completed with each DQP recording their respective findings of that inspection.

If you have any questions concerning this matter, please contact me at the NHSC office.

Sincerely,

(b)(6), (b)(7)c

Lonnie Messick
Director of Animal Welfare/DQP Services

JLM/jg

Sound Horses-Honest Judging-Objective Inspections-Winning Fairly
P.O. Box 167 – Shelbyville, TN – 37162 Phone 931/684-9506 Fax 931/684-9538
www.showhio.com

October 8, 2009

Ricky Statham
(b)(6)
(b)(6)

Subject: 2nd Letter of Warning

Ricky:

You were given a verbal warning by Dr. Mullins, DQP Compliance Officer, in regard to improper inspections at the Red Carpet Show of the South which was held in Pulaski, TN on July 25, 2009.

After meeting and speaking with Dr. Chester Gipson and Dr. Rachel Cezar of the USDA, they feel that the verbal warning you sustained serves as your 2nd Letter of Warning.

You are considered in violation of Rule VII, Article A, Section 3(1-3) of the SHOW Rule Book which states:

> SHOW, Inc. shall issue a written warning to any DQP whom it has licensed who: (1) violates the Rules, regulations, bylaws or standards of conduct promulgated by SHOW (2) who fails to follow SHOW uniform inspection procedures set forth in Rule VIII E, or (3) who fails to carry out his or her duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation.

Consider this your second Letter of Warning from SHOW, Inc. and your DQP license revoked.

You may, within 30 days of today, request a hearing before a review committee. If the committee sustains the cancellation of your DQP license, you may appeal the decision to the United States Department of Agriculture within 30 days from the date of such decision, and, pursuant to HPA Regulations, the USDA shall make a final determination in the matter.

Thank you for your time.

Sincerely,

Tony Edwards
DOP Coordinator

JTE/rdr

Cc: Dr. Rachel Cezar
Permanent File

NOV 03 2009
BY:

S.H.O.W.
Tennessee Walking Horse

REQUEST FOR HEARING
PER 2ND WARNING LETTER DATED OCTOBER 8, 2009
REVOKING DQP LICENSE

DQP:	Ricky Statham
Address:	(b)(6), (b)(7)c (b)(6)
Subject:	2nd Letter of Warning Revocation of DQP License
Date of Letter:	October 8, 2009
Purported Improper Inspections:	Red Carpet Show of the South Pulaski, TN on 07/25/09
License Revocation Date:	Immediately

This is to notify you that Ricky Statham of (b)(6) (b)(6) Blountsville, Alabama requests a hearing before a review committee concerning revocation of his DQP license. This request is made within 30 days of the October 8, 2009 of the purported second Letter of Warning from SHOW, Inc., as required by said letter.

The undersigned counsel for Appellant would appreciate someone contacting him at the address below before assigning a hearing date, as he is located in the Commonwealth of Kentucky and Appellant is in Alabama, and we will need to coordinate availability for a hearing.

This 2nd day of November, 2009.

BRODERICK & ASSOCIATES
Attorneys at Law
921 College Street
Post Office Box 3100
Bowling Green, KY 42102-3100
Telephone: 270-782-6700
Telefax: 270-782-3110

By: _____
David F. Broderick
Counsel for Clay Mills

CERTIFICATION

This is to certify that a true and exact copy of the foregoing was this day placed in the U.S. Mail, postage prepaid, and also via Federal Express, addressed to:

S.H.O.W.
P.O. Box 167
1021 Colloredo Blvd
Shelbyville, TN 37162

Mike McGartland
University Center One
1300 South University Drive
Suite 500
Ft. Worth, TX 76107

This 2 day of November, 2009.

_____
David F. Broderick