

M E M O R A N D U M

To: Bernadette Juarez, APHIS

From: Thomas N. Bolick, OGC Regulatory Division

Date: August 17, 2009

Subject: Randy G. Smith and Jeff Smith d/b/a Smith Horse Company, TX04233-VS,
- TX04234-VS, -TX05020-VS, -TX05207-VS, -TX05041-VS, TX05042-VS,
TX06002-VS, TX06397-VS, and KS05026-VS

Please be advised that I am closing out the case files referenced above because the parties have agreed to enter into a consent decision settling this matter for \$10,000.00. On August 13, 2009, Mr. Gregory Bell, Esq., counsel for respondents, returned the signed consent decision to me and I filed it with the Hearing Clerk that same day. On August 14, 2009, Chief Administrative Law Judge Marc Hillson signed the consent decision and order. A copy of this document is attached to this memorandum.

If you have any questions, please feel free to contact me in my office at (202) 690-2032.

Sarah King/MD/APHIS/USDA

05/12/2009 12:20 PM

To Lorna D Harris/MD/APHIS/USDA@USDA

cc Ruth A McDermott/MD/APHIS/USDA@USDA

bcc

Subject Fw: Randy G. Smith and Jeff Smith d/b/a Smith Horse Company, TX04233-VS, TX04234-VS, TX05020-VS, TX05041-VS, TX05042-VS, TX05207-VS, and TX06002-VS

Please see the information concerning a hearing scheduled for August 18-August 20.

----- Forwarded by Sarah King/MD/APHIS/USDA on 05/12/2009 12:17 PM -----



"Bolick, Thomas"
<THOMAS.BOLICK@OGC.
USDA.GOV>

05/12/2009 12:02 PM

To "Cordes, Timothy R" <Timothy.R.Cordes@usda.gov>, "Green, David B" <David.B.Green@usda.gov>, "Astling, Joseph T" <Joseph.T.Astling@usda.gov>, "McLaughlin, Kevin" <Kevin.McLaughlin@usda.gov>, "Freeman, Jacqueline M" <Jacqueline.M.Freeman@usda.gov>

cc "NOVAK, SHEILA" <SHEILA.NOVAK@OGC.USDA.GOV>, Bernadette.R.Juarez@aphis.usda.gov, Sarah.King@aphis.usda.gov

Subject Randy G. Smith and Jeff Smith d/b/a Smith Horse Company, TX04233-VS, TX04234-VS, TX05020-VS, TX05041-VS, TX05042-VS, TX05207-VS, and TX06002-VS

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Hello everyone.

I just had a prehearing conference call with Judge Hillson and the respondents' attorney in the cases referenced above. We have scheduled a hearing to be held by personal attendance of the parties at an as-yet-to-be-determined location in Wichita, Kansas, on Tuesday, August 18, through Thursday, August 20, dates inclusive. If you are a primary recipient of this email, then I plan to call you as a witness at the hearing and you are expected to be in Wichita on those dates. I will provide more details as they become available to me.

Jackie, [REDACTED] was one of the investigators who worked these cases, but I have a [REDACTED] listed in my email address book. Please tell me which one is the correct person as soon as possible so I can alert him to these hearing dates. Also, case file TX06002-VS lists [REDACTED] as the lead investigator for the violations listed in that case file, but as you know, he is now retired. Jackie, I don't know that the case file contains any evidence that I would need [REDACTED] to present at the hearing, but I still would like you to identify for me a person who could do so in his stead. Thanks.

At this point in time I have not initiated settlement negotiations with respondents' attorney, so I have no idea whether this case will settle prior to the hearing. Historically, the respondents in slaughter horse transportation cases who are represented by counsel have always settled their cases and the respondents who are not represented have not. Hopefully that pattern will repeat itself here. If it doesn't, then we will be facing opposing counsel at a slaughter horse transportation hearing for the very first time.

If anyone has any questions, please email me or call me at 202-690-2032. Thanks.

Tom Bolick
USDA Office of the General Counsel
Washington, D.C.

AC 080146

USA
JHC

7-14-08

April 27

A - I do not know why this^D happen

B There is no way to keep these separate
there were probably young.

C We did not know - we were to do this^C

May 27

A - BCC Same as above.

May 30 Same as above

May 31 Same as above

June 1 - I do not know

Aug 15 - These buses were young

Aug 15 There is no way to keep separate
Driver did not know the way to do this^C

Sept 12

Worse had to do this on the Truck
we did not load him this way.

Nov 28

The truck driver way to do this
because we probably did not know who
was going to haul these

July 6

The only horse I bought came
from Coffville KS. I found Betty
all the papers, I don't recall
and I told them at that time

Sept 25

Truck driver was to fill in
Kansas Plate no, because we use
different trucks

Sept 11

Horse probably hurt his self on truck
He was able to walk on all 4 legs
when we loaded him, or we would
not have loaded him.

Sept 11 Driver did not know
he was to stay there

Thank you

RH Smith

AC 080146

7-14-08

April 27

A - I do not know why this^D happen

B There is no way to keep these reports
there were probably young

C We did not know - we were to do this^D

May 27

A - B & C Same as above.

May 30 Same as above

May 31 Same as above

June 1 - I do not know

Aug 15 - These boxes were young

Aug 15 There is no way to keep reports
I did not know the way to do this^D

Sept 12

House had to do this on the Truck
we did not load him this way.

Nov 28

The truck drive way to do this

because we probably did not know who
was going to haul these

July 6

The only horse I bought came
from Coffville KS. I found Bette
all the papers, Vada called
and I told them at that time

Sept 25

Truck driver was to fill in
Kansas Plate no, because we use
different trucks

Sept 11

Driver probably hurt his self on truck
He was able to walk on all 4 legs
when we loaded him, or we would
not have loaded him.

Sept 11 Driver did not know
he was to stay there

Thank you

RJ Smith

EQUINE NO SLAUGHTER PENALTY WORKSHEET
March 2006 - Randy Smith dba Smith Horse Company

(b)(5)

EQUINE NO SLAUGHTER PENALTY WORKSHEET
March 2006 - Randy Smith dba Smith Horse Company

(b)(5)

Dorothy C Wayson
03/17/2006 02:30 PM

To: Paul O Ugstad/TX/APHIS/USDA@USDA
cc: David B Green/TX/APHIS/USDA@USDA, Kevin
McLaughlin/TX/APHIS/USDA@USDA
Subject: Smith Horse Company

no response

Dear Dr. Ugstad:

IES will forward the following cases involving Randy and Jeff Smith dba Smith Horse Company to OGC: TX04033/TX04234/TX05020/TX05041/TX05042/TX05207/ TX06002-VS

We previously offered Smith Horse Company a settlement with a stipulated civil penalty of \$6750 and they did not accept. We have recalculated the penalties for OGC using the revised equine to slaughter penalty worksheets and the penalty worksheet for the one violation 75.4(b) under the Animal Health Protection Act and we have determined a total civil penalty of \$7450. Please let me know of any aggravating and mitigating factors on or before March 24th, otherwise, we will proceed with the planned enforcement action.



VS Randy and Jeff Smith Penalty Wksht.rtf Randy Smith dba Smith Horse Co Equine to Slaughter Penalty Worksheet.doc



Randy Smith dba Smith Horse Co-VS Letter to OGC.doc

Dorothy C. Wayson
Enforcement Specialist
Investigative and Enforcement Services
Animal and Plant Health Inspection Service
Tel: 301-734-7851

NOTE: Please be advised that the information contained in this e-mail and/or the attachments may involve an open case. This material is for official use only and should not be release outside the agency or duplicated without prior clearance from the Investigative and Enforcement Services.



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Marketing &
Regulatory
Programs Business
Services

4700 River Road
Riverdale, MD
20737

Subject: Violation of 9 CFR, Part 88 and Part 75
Case No. TX04233 - TX04234 - TX05020 -
TX05041 - TX05042 - TX05207 - TX06002-VS

To: Thomas Walsh
Assistant General Counsel
Regulatory Division
Office of the General Counsel

Enclosed are seven investigative case reports documenting violations of 9 CFR,
Part 88.4(a)(3)(ii), (v), (ix), 88.4(ii) and 75.4(b) by the following violators:

Randy and Jeff Smith dba Smith Horse Company: Hutchinson, KS

Mr. Randy G. Smith dba Smith Horse Company is a commercial slaughter horse
buyer who ships these horses to slaughter in Texas. His business partner is Jeff
Smith. The Reports will show that Smith Horse Company is in violation as
follows:

The report reveals violations as follows:

9 CFR

May 31, 2004 (TX04233-VS)

88.4(a)(4)(ii)

Requirements for Transport: Using three trucks,
transported 115 horses to Ft. Worth, Texas for slaughter.
Failed to completely segregate the stallions on each of three
loads: shipped 38 horses and 1 stallion was on load;
shipped 38 horses and 2 stallions were included on the
load; shipped 39 horses and 2 stallions were included on
the load.

On or About April 27, 2004 (TX04234-VS)

88.4(a)(3)(ii)

88.4(a)(3)(v)

88.4(a)(3)(ix)

88.4(a)(4)(ii)

Requirements for Transport: Shipped 29 horses to
slaughter at Fort Worth, TX without the complete
owner/shipper certificates.
Failed to record the receiver/destination phone number;
Failed to properly record the breed/type for 20 of 29 horses;
Failed to properly record the date the horses were loaded;
Failed to completely segregate the 5 stallions in this load.

May 24, 2004

88.4(a)(3)(v)

88.4(a)(4)(ii)

Requirements for Transport: Shipped 38 horses to
slaughter at Fort Worth, TX
Failed to indicate the breed/type of 38 horses.
Failed to segregate 4 stallions in this load.

May 30, 2004

Requirements for Transport: Shipped 106 horses to slaughter at Fort Worth, TX

88.4(a)(3)(v)

Failed to record the breed/type of horses.

88.4(a)(4)(ii)

Failed to segregate 2 stallions on two loads.

On or about June 1, 2004

Requirements for Transport: Shipped 43 horses to slaughter at Fort Worth, TX

88.4(a)(3)(ix)

Failed to record the date that the horses were loaded.

On or about August 15, 2004 (TX05020-VS)

Requirements for Transport: Shipped 42 horses from Shipshewana, Indiana to slaughter at Fort Worth, TX

88.4(a)(3)(v)

Failed to record the breed/type of horses;

88.4(a)(3)(ii)

Failed to segregate the 7 stallions from the other horses.

September 12, 2004

Requirement for Transport: Shipped 46 horses to slaughter at Fort Worth, Texas.

88.4(a)(2)

Failed to apply a backtag to one horse in the load;

88.4(a)(3)(ix)

Failed to record the time the horses were loaded on the conveyance.

November 28, 2004 (TX05041-VS)

Requirements for Transport: Shipped 39 horses to slaughter at Fort Worth, TX.

88.4(a)(3)(iv)

Failed to record the license number of the conveyance.

September 25, 2004 (TX05042-VS)

Requirements for transport: Shipped 31 horses from Shipshewana, Indiana to slaughter at Fort Worth, TX.

88.4(a)(3)(ix)

Failed to record the time and place the horses were loaded;

88.4(a)(3)(iv)

Failed to record the license number of the conveyance.

On or about November 27, 2004 (TX05207-VS) (Randy Smith)

75.4(b)

Interstate Movement: Owner R. D. Smith shipped one branded EIA reactor horse from Kansas to slaughter to Ft. Worth, TX without the diseased reactor equine being accompanied by the required certificate/permit.

On or about September 11, 2005 (TX06002-VS)

- Requirements for Transport:** Shipped 42 horses from Shipshewana, Indiana to slaughter at Fort Worth, Texas.
- 88.4(a)(3)(v) Failed to accurately identify a mare that he listed as a gelding:
- 88.4(a)(4)(ii) Failed to segregate two stallions from other horses on the conveyance.

For the violations cited in this investigation report, IES offered Smith Horse Company a settlement with a stipulated civil penalty of \$6,750 and they did not respond or make payment. In accordance with the current penalty guidelines, we request Randy G. Smith and Jeff Smith dba Smith Horse Company be assessed a civil penalty of \$7,450.

Teresa Lorenzano
Enforcement Specialist
Investigative and Enforcement Services

Enclosure

cc:
T. Fordahl, IES, Ft. Collins, CO
J. Diemer, AVIC, TX

AK 8/7/06

APHIS:IES:TMLorenzano:tml:734-8925:6/16/06:TX04033(Smith Horse)



United States Department of Agriculture

Animal and Plant Health Inspection Service

Subject: Violations of 9 CFR, Part 88 and Part 75 Case Nos. TX04033/TX04234/TX05020 TX05041/TX05042/TX05207/TX06002-VS

7450

Marketing & Regulatory Programs Business Services

To: Thomas M. Walsh Assistant General Counsel Regulatory Division Office of the General Counsel

4700 River Road Riverdale, MD 20737

Enclosed are seven investigative reports documenting violations of the Humane Transport of Equines to Slaughter Act.

Randy G. Smith and Jeff Smith dba Smith Horse Company: Hutchinson, KS

Mr. Randy G. Smith dba Smith Horse Company is a commercial slaughter horse buyer who ships these horses to slaughter in Texas. His business partner is Jeff Smith. The report will show that Smith Horse Company is in violation as follows:

May 31, 2004 TX04233-VS

88.4(a)(4)(ii)

Requirements for Transport: Using three trucks, transported 115 horses to Ft. Worth, Texas for slaughter.

Failed to completely segregate the stallions on each of three loads: shipped 38 horses and 1 stallion was on load; shipped 38 horses and 2 stallions were included on the load; shipped 39 horses and 2 stallions were included on the load.

4000

On or About April 27, 2004 TX04234-VS

88.4(a)(3)(ii)

88.4(a)(3)(v)

88.4(a)(3)(ix)

88.4(a)(4)(ii)

Requirements for transport: Shipped 29 horses to slaughter at Fort Worth, Texas without the complete owner/shipper certificates.

Failed to record the receiver/destination phone number; Failed to properly record the breed/type for 20 of 29 horses; Failed to properly record the date the horses were loaded; Failed to completely segregate the 5 stallions in this load.

200

May 24, 2004

88.4(a)(3)(v)

88.4(a)(4)(ii)

Requirements for transport: Shipped 38 horses to slaughter at Fort Worth, Texas.

Failed to indicate the breed/type of 38 horses; Failed to segregate 4 stallions in this load.



May 30, 2004

Requirements for transport: Shipped 106 horses to slaughter at Fort Worth, Texas.

- 88.4(a)(3)(v) Failed to record the breed/type of horses.
- 88.4(a)(4)(ii) Failed to segregate 2 stallions on two loads.

200

On or About June 01, 2004

Requirements for transport: Shipped 43 horses to slaughter at Fort Worth, Texas.

- 88.4(a)(3)(ix) Failed to record the date that the horses were loaded.

50

On or About August 15, 2004 TX05020-VS

Requirements for transport: Shipped 42 horses from Shipshewana, Indiana to slaughter at Fort Worth, Texas.

- 88.4(a)(3)(v) Failed to record the breed/type of horses;
- 88.4(a)(3)(ii) Failed to segregate the 7 stallions from the other horses.

100

September 12, 2004

Requirements for transport: Shipped 46 horses to slaughter at Fort Worth, Texas.

- 88.4(a)(2) Failed to apply a backtag to one horse in the load;
- 88.4(a)(3)(ix) Failed to record the time the horses were loaded on the conveyance.

100
50

November 28, 2004 TX05041-VS

Requirements for transport: Shipped 39 horses to slaughter at Fort Worth, Texas.

- 88.4(a)(3)(iv) Failed to record the license number of the conveyance.

50

September 25, 2004 TX05042-VS

Requirements for transport: Shipped 31 horses from Shipshewana, Indiana to slaughter at Fort Worth, Texas.

- 88.4(a)(3)(ix) Failed to record the time and place the horses were loaded;
- 88.4(a)(3)(iv) Failed to record the license number of the conveyance.

100

On or About November 27, 2004 TX05207-VS (Randy Smith)

75.4(b)

Interstate movement: Owner, R. D. Smith shipped one branded EIA reactor horse from Kansas to slaughter to Ft. Worth, Texas without the diseased reactor equine being accompanied by the required certificate/permit.

2500

On or About September 11, 2005 TX06002-VS

88.4(a)(3)(v)

Requirements for transport: Shipped 42 horses from Shipshewana, Indiana to slaughter at Fort Worth, Texas. Failed to accurately identify a mare that he listed as a gelding;

100

88.4(a)(4)(ii)

Failed to segregate two stallions from other horses on the conveyance.

For the violations cited in this investigation report, IES offered Smith Horse Company a settlement with a stipulated civil penalty of \$6,750 and they did not respond or make payment. In accordance with the current penalty guidelines, we request Randy G. Smith and Jeff Smith dba Smith Horse Company be assessed a civil penalty of \$XXX.

Dorothy C. Wayson
Enforcement Specialist
Investigative and Enforcement Services

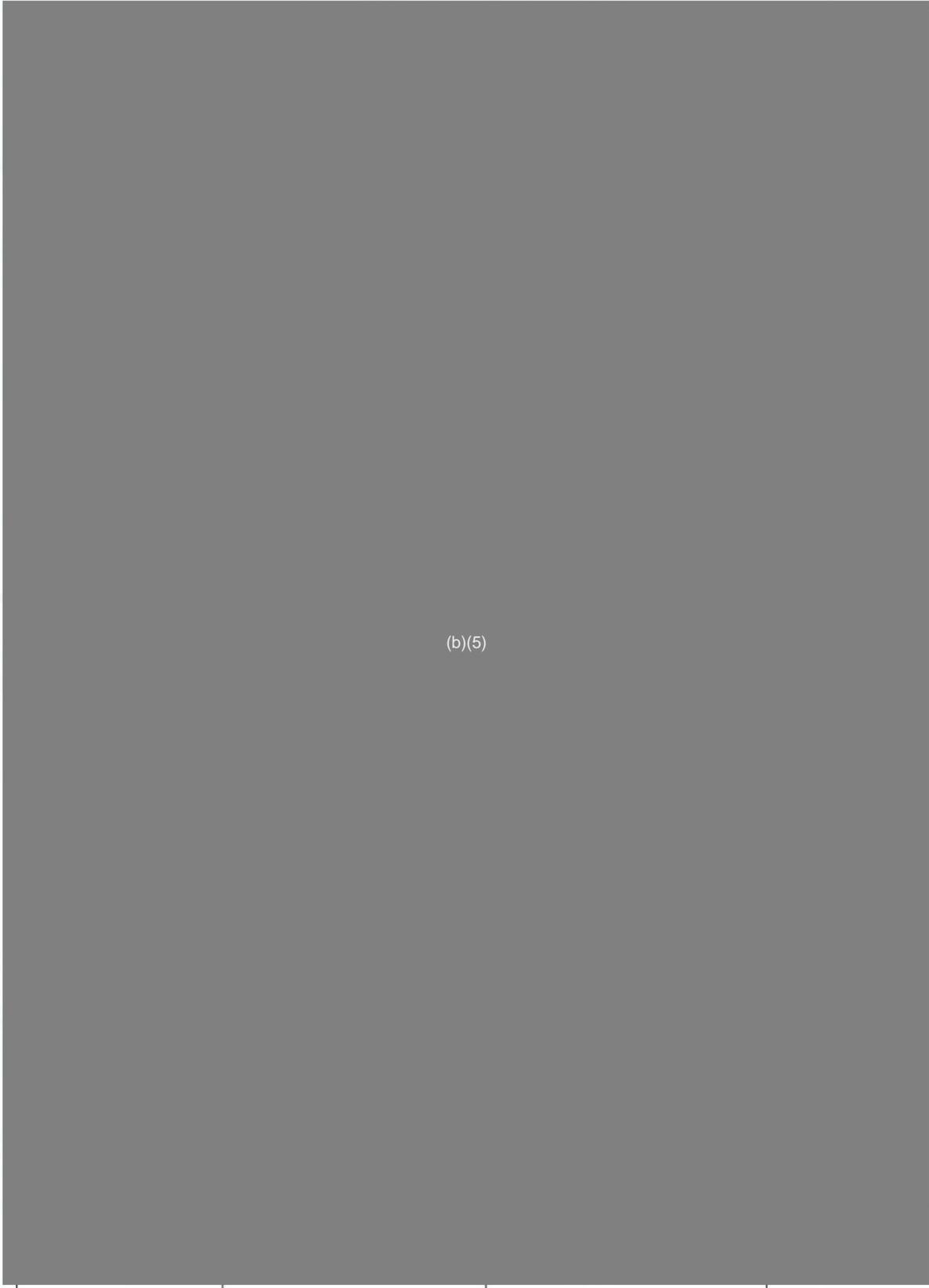
Enclosure

Copy to:
Paul Ugstad, AVIC, TX
Timothy Fordahl, IES, Ft. Collins, CO
(b)(6), (b)(7)c IES, TX
(b)(6) & (b)(7)c IES, TX
Jackie Freeman, IES, TX
Eric Nickerson, IES, TX
Timothy Cordes, VS, Riverdale, MD
Betty Pearson, VS, Riverdale, MD

EQUINE TO SLAUGHTER PENALTY WORKSHEET
September 2005

(b)(5)

EQUINE TO SLAUGHTER PENALTY WORKSHEET
September 2005

(b)(5)

Animal Quarantine Penalty Worksheet (05)

(b)(5)



United States
Department of
Agriculture

October 04, 2004

Marketing and
Regulatory
Programs

To: Teresa Lorenzano, IES Deputy Director
4700 River Road, Unit 85
Riverdale, MD 20737-1234

Animal and
Plant Health
Inspection
Service

Dr. Diemer, Texas AVIC
USDA, APHIS, VS
903 San Jacinto Blvd., Thornberry Bldg., Room 220
Austin, TX 78701

Investigative and
Enforcement Services

2150 Centre Ave.,
Bldg. B-3W10
Fort Collins, CO
80526-8116

From: (b)(6)
2150 Centre Ave., Bldg. B-3W10
Ft. Collins, CO 80526

970/494-7485
970/494-7487 (fax)

Enclosed please find investigative case report no. TX04233-VS showing a violation of the commercial transportation of equine for slaughter regulations (9 CFR § 88) involving Randy G. Smith of Hutchinson, Kansas.

Using three trucks, Randy G. Smith shipped 115 horses to slaughter at Beltex Corporation in Ft. Worth, TX, on 05/31/04. Each load contained at least one stallion, Smith failed to completely segregate the stallions from the other horses during transit. Randy Smith is doing business as Smith Horse Company; his partner is Jeff Smith. I requested the business information from IES Analysts in regards to Smith Horse Company, however nothing was available. Jeff Smith's name appears on one of the Livestock Receipts contained in the case report; however I did not list Jeff Smith as a violator because the check from Beltex was made out to Randy G. Smith, another reason is the fact that Jeff Smith also had three loads of horses delivered to Beltex on or about the same date, it could have been a mistake on the part of Beltex personnel. Jeff Smith does have a similar case (TX04234-VS) that will be forthcoming.

The IES Tracking System shows that Randy G. Smith received a ticket for his involvement in IES case #TX04284-VS, it also shows that he has four other open cases, and one case closed due to insufficient evidence. This case is submitted for whatever action you deem appropriate. Contacts in this case include:

- Dr. Jerry Diemer, Texas AVIC, Austin, TX, (512) 916-5555.
- Dr. Jose R. Diez, VS Regional Director, Ft. Collins, CO, (970) 494-7385
- Tim Fordahl, IES Regional Director, Ft. Collins, CO, (970) 494-7499
- Jackie Freeman, IES Asst. Regional Director, Ft. Collins, CO, (970) 494-7496

If you have any questions or concerns, or need further explanation regarding this report, please feel free to contact me by phone at (b)(6) & (b)(7)c

(b)(6) & (b)(7)c

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No Documents Found

Person Report

SMITH, RANDY G
5403 N MONROE ST
HUTCHINSON, KS 67502-3253
County: RENO

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

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Full Name	Address	County	Phone
SMITH, RANDY G	5403 N MONROE ST HUTCHINSON, KS 67502-3253	RENO	(620)663-2118

ADDITIONAL PERSONAL INFORMATION

DOB



Subject Summary

Name Variations

1: SMITH, RANDY G

DOBs

Reported DOBs:



Address Summary

Address Summary - 1 records found for subject.

#	Address	Actions
---	---------	---------

	(Current)	
1:	5403 N MONROE ST HUTCHINSON, KS 67502-3253 COUNTY: RENO	

Address Details

1: 5403 N MONROE ST HUTCHINSON, KS 67502-3253

Address: 5403 N MONROE ST
HUTCHINSON, KS 67502-3253
COUNTY: RENO

(Current)
Dates: 10/2000

663-7658
Phones: (620)663-2118
(620)665-3990
(620)665-6625

Neighbors:

Household Members Actions

SMITH, R G

Other Associates

None Listed

Census Data

Head of Household Age

Income:

Home Value:

Education:

Real Property

1: KS Property Record

Address: 5403 N MONROE ST HUTCHINSON, KS 67502-3253

State: KS

County/FIPS: Reno

Owner Address: 5403 MONROE ST HUTCHINSON, KS 67502-3253

Owner 1: SMITH RANDALL G

Assessor's Parcel

Number:

Recording Date:

Land Value:

Land Size:

Total Value:

Improvement

Value:

Legal Description:

Subdivision Name:

Type:

Building Square

Feet:

Year Built:

Assessed Value:

Tax Amount:

Market Land Value

Market

Improvement

Value:

Total Market Value:
Number of Stories:
Number of
Bedrooms:
Number of Full
Baths:
Book:
Page:



Potential Relatives

No.	Full Name	Address	Phone	Actions
1.	<p>G SSN: (KAR DOB: (b)(6) & (b)(7)c (Age</p>	<p>5403 N MONROE ST HUTCHINSON, KS 67502- 3253</p>	<p>(316)663- 7658</p>	

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Person Report



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Full Name	Address	County	Phone
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ADDITIONAL PERSONAL INFORMATION



Subject Summary



#	Address	Actions
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1: (Current)

2

3

4

5

A

1

A

D

P



(b)(6) & (b)(7)c

Neighbors:

Household Members

Actions



Phones:

Household Members

Actions



Phones:

Household Members Actions

None Listed

Other Associates Actions

None Listed

Census Data

None Listed



Other Associates Actions

None Listed

Census Data



Phones:

Household Members Actions



Other Associates Actions

None Listed

Census Data
None Listed

Real Property

Address:
State:
County/FIPS:
Owner Address:
Owner 1:
Assessor's Parcel
Number:
Sale Price:
Recording Date:
Land Use:
Land Size:

Legal Description:

Parcel ID:
Type:
Building Square Feet:
Year Built:
Tax Amount:
Market Land Value:
Market Improvement
Value:
Total Market Value:
Living Size:
Number of Stories:
Number of Bedrooms
Number of Full Baths
Book:
Page:

Address:
State:
County/FIPS:
Owner Address:
Owner 1:
Assessor's Parcel
Number:
Sale Price:



(b)(6) & (b)(7)c

Recording Date:
Land Use:
Land Size:

Legal Description:

Parcel ID:
Type:
Building Square Feet:
Year Built:
Tax Amount:
Market Land Value:
Market Improvement
Value:
Total Market Value:
Living Size:
Number of Stories:
Number of Bedrooms:
Number of Full Baths:
Book:
Page:

Address:

(b)(6) & (b)(7)c

State:

County/FIPS:

Owner Address:

Owner 1:

Owner 2:

Assessor's Parcel

Number:

Land Use:

Land Size:

Legal Description:

Parcel ID:

Type:

Building Square Feet:

Year Built:

Tax Amount:

Market Land Value:

Market Improvement
Value:

Total Market Value:

Living Size:
Number of St
Foundation:
Number of B
Number of F
Book:
Page:

Liens

Jurisdiction:
Type:
Filing Date:
Filing Numb

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Type:
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(b)(6) & (b)(7)c

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UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
INVESTIGATIVE AND ENFORCEMENT SERVICES
WESTERN REGION
FORT COLLINS, CO

REPORT OF INVESTIGATION

Violator(s): **Randy G. Smith dba Smith Horse Company**
5403 North Monroe
Hutchinson, KS 67502
SSN: 913-56-9401
Telephone number: (620) 663-7658

Case Number: TX04233-VS

Violation(s): 9 CFR, 88

Investigator: (b)(6) & (b)(7)c
c/o USDA, APHIS, IES
2150 Centre Ave., Bldg. B-3W10
Ft. Collins, CO 80526
Telephone number: (b)(6) & (b)(7)c

Date of Report: October 04, 2004

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from USDA, APHIS, Investigative and Enforcement Services.

SYNOPSIS

Violator(s)

Information: Randy G. Smith is a commercial slaughter horse buyer that has been in the horse business for 20 years. Smith is doing business as Smith Horse Company, his informal business partner is Jeff Smith, together they ship approximately 2,500 horses to slaughter per year.

Previous

History: The IES Tracking System shows that Randy G. Smith has four other open cases (TX04079-VS; TX04166-VS; TX04169-VS; & TX04181-VS), and he has received a ticket in IES case number TX03284-VS. Smith also has one case closed due to insufficient evidence (TX04184-VS).

Violation

Events: On 05/31/04, Randy G. Smith shipped 115 slaughter horses to Beltex Corporation in Fort Worth, Texas. The horses were shipped on 3 different trucks, and each load contained at least one stallion. The stallions were not segregated from the other horses during transport.

EXPLANATION OF THE EVIDENCE

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

9 CFR

May 31, 2004

§88.4(a)(4)(ii)

Requirements for transport.

Using three trucks, Randy G. Smith shipped 115 horses to Beltex Corporation in Fort Worth, Texas, for the purpose of slaughter. Smith failed to completely segregate the stallions on each load as evidenced by:

Exhibit 1 – APHIS Form 7162, Affidavit of Randy G. Smith, dated 09/30/04, states that stallions were loaded in the same compartment with other horses during transit.

Exhibit 2 – APHIS Form 7162, Affidavit of Federal AHT [REDACTED] dated 08/03/04, states that stallions were loaded on the trailer with other horses according to Smith's VS form 10-13 dated 05/31/04.

Exhibit 3 – Owner/Shipper Certificate Fitness to Travel to a Slaughter Facility, VS Form 10-13, dated 05/31/04. Document shows R.G. Smith shipped 38 horses to slaughter and that 1 stallion was included on the load; the document also shows that [REDACTED]

Exhibit 4 – Owner/Shipper Certificate Fitness to Travel to a Slaughter Facility, VS Form 10-13, dated 05/31/04. Document shows R.G. Smith shipped 38 horses to slaughter and that 2 stallions were included on the load; the document also shows that [REDACTED]

Exhibit 5 – Owner/Shipper Certificate Fitness to Travel to a Slaughter Facility, VS Form 10-13, dated 05/31/04. Document shows R.G. Smith shipped 39 horses to slaughter and that 2 stallions were included on the load; the document also shows that [REDACTED]

Exhibit 6 – Photocopy of Beltex Corporation Horse Load Receiving Report, dated 06/02/04, shows 38 horses delivered to Beltex by Randy G. Smith, under load no. 307/216.

Exhibit 7 – Photocopy of Beltex Corporation Horse Load Receiving Report, dated 06/01/04, shows 38 horses delivered to Beltex by Jeff Smith, under load no. 209/216.

Exhibit 8 – Photocopy of Beltex Corporation Horse Load Receiving Report, dated 06/01/04, shows 39 horses delivered to Beltex by Randy Smith, under load no. 203/307.

Exhibit 9 – Photocopy of Beltex Corporation Livestock Receipt, dated 06/01/04, shows 38 horses received from Randy G. Smith, and hauled by [REDACTED]

Exhibit 10 – Photocopy of Beltex Corporation Livestock Receipt, dated 06/01/04, shows 38 horses received from Jeff Smith, and hauled by [REDACTED]

Exhibit 11 – Photocopy of Beltex Corporation Livestock Receipt, dated 06/01/04, shows 39 horses received from Randy G. Smith, and hauled by [REDACTED]

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Exhibit 12 – Photocopy of Beltex Corporation Load Report, dated 06/02/04, load no. 307/216-23. Report shows that Randy Smith had 49 horses slaughtered by Beltex Corporation.¹

Exhibit 13 – Photocopy of Beltex Corporation Load Report, dated 06/01/04, load no. 209/216-10. Report shows that Randy Smith had 48 horses slaughtered by Beltex Corporation.²

Exhibit 14 – Photocopy of Beltex Corporation Load Report, dated 06/01/04, load no. 203-9. Report shows that Randy Smith had 39 horses slaughtered by Beltex Corporation.

Exhibit 15 – Photocopy of Motor Vehicle Bill of Lading and Freight Bill no. 482302, dated 05/31/04, shows [REDACTED] as the carrier of 38 head of horses consigned to Beltex Corporation, and a shipping charge of \$1,900.00. Bottom portion of document is a photocopy of cancelled check no. 88279, dated 06/07/04, showing Beltex Corporation to have paid \$1,900.00 to [REDACTED]

Exhibit 16 – Photocopy of Motor Vehicle Bill of Lading and Freight Bill no. 482705, dated 05/31/04, shows [REDACTED] as the carrier of 38 head of horses consigned to Beltex Corporation, and a shipping charge of \$2,335.20. Bottom portion of document is a photocopy of cancelled check no. 88259, dated 06/07/04, showing Beltex Corporation to have paid \$2,335.20 to [REDACTED]

Exhibit 17 – Photocopy of Motor Vehicle Bill of Lading and Freight Bill no. 375348, dated 05/31/04, shows Stelzer Cattle Co. as the carrier of 39 head of horses consigned to Beltex Corporation, and a shipping charge of \$1,940.40. Top portion of document is a photocopy of cancelled check no. 88280, dated 06/07/04, showing Beltex Corporation to have paid \$1,940.40, to Stelzer Cattle Co.

Exhibit 18 – Photocopy of cancelled check number 88222, dated 06/01/04, shows that Randy G. Smith was paid \$60,000.00, in advance for several loads of horses including those listed under load no.'s 203 & 209.

¹ The reason the Load Report (Exhibit 12) shows 49 horses were slaughtered, while the VS Form 10-13 (Exhibit 3), the Receiving Report (Exhibit 6), and the Livestock Receipt (Exhibit 9) all show 38 head delivered for slaughter, is because 12 horses were slaughtered under load no. 216, and 1 horse was condemned under load 307.

² The reason the Load Report (Exhibit 13) shows 48 horses were slaughtered, while the VS Form 10-13 (Exhibit 4), the Receiving Report (Exhibit 5), and the Livestock Receipt (Exhibit 10) all show 38 head delivered for slaughter, is because 10 horses were slaughtered under load no. 216.

OTHER EVIDENCE

None.

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

EXHIBIT LIST

- Exhibit 1** – APHIS Form 7162, Affidavit of Randy G. Smith, dated 09/30/04.
- Exhibit 2** – APHIS Form 7162, Affidavit of Federal AHT [REDACTED] dated 08/03/04.
- Exhibit 3** – VS Form 10-13, dated 05/31/04.
- Exhibit 4** – VS Form 10-13, dated 05/31/04.
- Exhibit 5** – VS Form 10-13, dated 05/31/04.
- Exhibit 6** – Beltex Corporation Horse Load Receiving Report, load no. 307/216, dated 06/02/04.
- Exhibit 7** – Beltex Corporation Horse Load Receiving Report, load no. 209/216, dated 06/01/04.
- Exhibit 8** – Beltex Corporation Horse Load Receiving Report, load no. 203/307, dated 06/01/04.
- Exhibit 9** – Beltex Corporation Livestock Receipt, dated 06/01/04.
- Exhibit 10** – Beltex Corporation Livestock Receipt, dated 06/01/04.
- Exhibit 11** – Beltex Corporation Livestock Receipt, dated 06/01/04.
- Exhibit 12** – Beltex Corporation Load Report, dated 06/02/04, load no. 307/216-23.
- Exhibit 13** – Beltex Corporation Load Report, dated 06/01/04, load no. 209/216-10.
- Exhibit 14** – Beltex Corporation Load Report, dated 06/01/04, load no. 203-9.
- Exhibit 15** – Motor Vehicle Bill of Lading and Freight Bill no. 482302, dated 05/31/04, & cancelled check no. 88279, dated 06/07/04,
- Exhibit 16** – Motor Vehicle Bill of Lading and Freight Bill no. 482705, dated 05/31/04, & cancelled check no. 88259, dated 06/07/04.
- Exhibit 17** – Motor Vehicle Bill of Lading and Freight Bill no. 375348, dated 05/31/04, & cancelled check no. 88280, dated 06/07/04.
- Exhibit 18** – Photocopy of cancelled check number 88222, dated 06/01/04.

WITNESS LIST

(b)(6) & (b)(7)c

USDA Animal Health Technician
903 San Jacinto Blvd.
Thornberry Bldg. Room 220
Austin, TX 78701

(b)(6) & (b)(7)c

(b)(6) & (b)(7)c

c/o USDA, APHIS, IES
2150 Centre Ave., Bldg. B-3W10
Ft. Collins, CO 80526

(b)(6) & (b)(7)c

AFFIDAVIT

I, R.G.(Randy) Smith , *being duly sworn on oath make the following statement of my own free will and to the best of my knowledge, it is true and correct.*

I am making this statement to [redacted] who has identified himself as investigator with the Investigative and Enforcement Services of the United States Department of Agriculture USDA. I give this statement voluntarily. My address is 5403 North Monroe, Hutchinson Ks. 67502. My phone number is [redacted]. I have been in the horse business for 20 years. I ship approximately 2500 head of horses to slaughter a year. The name of our business is Smith Horse Company. We only ship our own horses that we have purchased ourselves. Mr. [redacted] has asked me to disclose any and all information regarding the three loads of horses on 5-31-04 to Beltex in Fort Worth TX.

At this time I was not aware the studs had to be separated from the other horses, as long as they were not aggressive towards the other horses. We started putting one stud to a compartment with the other horses as long as he was not aggressive. I didn't understand that the studs were suppose to be gated off separately while in transit. I thought by putting the studs with the other horses it would keep them from injuring themselves. If you put a stud by himself he will come near to injuring himself by kicking the trailers.

I have read this statement, which consists of one page, and have had the opportunity to make any corrections and/or additions.

[redacted signature area]

SIGNATURE OF AFFIANT

Subscribed and sworn to before me at RG Smith home on this 30 day of September , 2004

[redacted notary area]



AFFIDAVIT

I, Joseph Thomas Astling, being duly sworn on oath make the following statement:

I make the following voluntary statement to [redacted] who has identified himself to me as an Investigator for the U.S. Department of Agriculture, Animal & Plant Health Inspection Service, Investigative and Enforcement Services.

My name is [redacted] I work for the U.S. Department of Agriculture as an [redacted] My work address is 903 San Jacinto Blvd., Thornberry Bldg., Room 220, Austin, TX 78701. My phone number is [redacted] My social security number is [redacted] My Texas driver's license [redacted] and my date of birth [redacted]

As part of my assigned duties, I inspect slaughter horses at Beltex Corporation in Fort Worth, Texas. Along with inspecting the horses I also check the paperwork that accompanies a load, such as the VS Form 10-13. R.G. (Randy) Smith of Hutchinson, Kansas, brings slaughter horses to Beltex on a routine basis; R.G. Smith meets the qualifications of a commercial transporter of slaughter horses. On 05/31/04 R.G. Smith shipped 115 slaughter horses to Beltex, he used three trucks to haul them. I checked the VS Form 10-13 and noticed that studs were loaded on the trailer with the other horses. One load, being hauled by [redacted] according to the VS form 10-13, had 38 horses on it, 2 of those were stud horses. I wasn't there at the time it was unloaded but I don't see how the studs could have been separated from the other horses or from each other. Another load, being hauled by [redacted] according to the VS form 10-13, had 38 horses on it, 1 of those was a stud horse. I wasn't there at the time it was unloaded but I don't see how the stud could have been separated from the other horses. Another load, being hauled by [redacted] according to the VS form 10-13, had 39 horses on it, 2 of those were stud horses. Again, I wasn't there at the time it was unloaded but I don't see how the studs could have been separated from the other horses or from each other.

I have been offered an opportunity to make changes or delete information from this statement that may be inaccurate. I am making this statement freely and without duress, reward,

[redacted signature area]

SIGNATURE OF AFFIRANT
Subscribed and sworn to before me in Weatherford, Texas
on this 3rd day of August, 2004.



AFFIDAVIT

I, (b)(6) & (b)(7)c, being duly sworn on oath make the following statement:

or promises of reward being offered. I understand that this is a sworn affidavit, and I have read the 2 pages and swear that the information contained therein is true to the best of my knowledge and belief. END.



(b)(6) & (b)(7)c

Subscribed and sworn to before me in Weatherford, Texas on this 3rd day of August, 2004.

APHIS FORM 7162 Replaces VS Form 3-59G which is obsolete. (NOV 92)

(b)(6) & (b)(7)c



**OWNER/SHIPPER CERTIFICATE
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**
(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED
OMB NO.
0579-0160

TIME HORSES LOADED ON CONVEYANCE <i>10:30 PM</i>	DATE <i>5-31-04</i>	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE <i>Dulcherson KS</i>
VEHICLE IDENTIFICATION NUMBER <i>(b)(6) & (b)(7)c</i>	NAME OF AUCTION/MARKET <i>None</i>	
CONSIGNOR (OWNER/SHIPPER) NAME <i>R.D. Smith</i>	CONSIGNEE/RECEIVER/DESTINATION NAME <i>Belle Corp</i>	
STREET ADDRESS <i>720 East 54 Street</i>	STREET ADDRESS <i>3801 Yule St</i>	
CITY, STATE, ZIP CODE <i>Dulcherson KS 67502</i>	CITY, STATE, ZIP CODE <i>Fort Worth TX 76106</i>	
AREA CODE & TELEPHONE NO. <i>620-6637658</i>	AREA CODE & TELEPHONE NO. <i>817-624-1130</i>	

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- Pregnant mares are not likely to foal (give birth) during the trip. Horses are able to bear weight on all 4 limbs.
 Foals are older than 6 months of age. Horses are not blind in both eyes. Horses are able to walk unassisted.

USBD

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions		
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld				
1	<i>3301</i>		<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
2	<i>02</i>							<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
3	<i>03</i>		<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
4	<i>04</i>							<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
5	<i>05</i>						<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
6	<i>06</i>							<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
7	<i>07</i>							<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
8	<i>08</i>							<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
9	<i>09</i>					<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
10	<i>10</i>						<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
11	<i>11</i>		<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
12	<i>12</i>		<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>		
13	<i>13</i>		<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
14	<i>14</i>						<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>				
15	<i>15</i>							<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>		

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE

SIGNATURE *(b)(6) & (b)(7)c*

I HEREBY AUTHORIZE THE CFIA TO DISCLOSE THIS DOCUMENT AND THE INFORMATION IN IT AS COMPLETED BY THE CFIA TO THE USDA. FALSIFICATION OF THIS FORM OR KNOWINGLY USING A FALSIFIED FORM IS A CRIMINAL OFFENSE AND MAY RESULT IN A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH (18 U.S.C. SECTION 1001).

SIGNATURE OF OWNER/SHIPPER (I certify that the information contained in this form is true and correct to the best of my knowledge) *(b)(6) & (b)(7)c*

CANADIAN FOOD INSPECTION AGENCY (CFIA)

EST. _____
DATE _____
TIME _____

GOVERNMENT EXHIBIT
3

Page 1 of 3

APHIS FORM 7070 (MAR 95)

**OWNER/SHIPPER CERTIFICATE
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**
(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED
OMB NO. 0579-0160

TIME HORSES LOADED ON CONVEYANCE	DATE	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE
VEHICLE LICENSE NO. AND DRIVER'S NAME	NAME OF AUCTION/MARKET	
CONSIGNOR (OWNER/SHIPPER) NAME	CONSIGNEE (RECEIVER/DESTINATION) NAME	
STREET ADDRESS	STREET ADDRESS	
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE	
AREA CODE & TELEPHONE NO.	AREA CODE & TELEPHONE NO.	

SAME

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- Pregnant mares are not likely to foal (give birth) during the trip.
 Horses are able to bear weight on all 4 limbs.
 Horses are able to walk unassisted.
- Foals are older than 6 months of age.
 Horses are not blind in both eyes.

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION					BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions		
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal			Geld	
1	33/6		✓									✓						✓	
2	17							✓				✓							✓
3	18							✓				✓				✓			
4	19		✓									✓				✓			
5	20							✓				✓						✓	
6	21								✓			✓						✓	
7	22							✓				✓				✓			
8	23			✓								✓						✓	
9	24							✓				✓				✓			
10	25							✓				✓				✓			
11	24							✓				✓				✓			
12	27								✓			✓				✓			
13	28		✓									✓				✓			
14	29		✓									✓						✓	
15	30						✓					✓				✓			

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE.

CANADIAN FOOD INSPECTION AGENCY (CFIA)

SIGNATURE

(b)(6) & (b)(7)c

I HEREBY AUTHORIZE THE CFIA TO DISCLOSE THIS DOCUMENT AND THE INFORMATION IN IT AS COMPLETED BY THE CFIA TO THE USDA. FALSIFICATION OF THIS FORM OR KNOWINGLY USING A FALSIFIED FORM IS A CRIMINAL OFFENSE AND MAY RESULT IN A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH (18 U.S.C. SECTION 1001).

SIGNATURE OF OWNER
the best of my knowledge

(b)(6) & (b)(7)c

this form is true and correct to

EST.

DATE

TIME

GOVERNMENT EXHIBIT
3
Page 2 of 3
FOIA 1-534 Page #000044

**OWNER/SHIPPER CERTIFICATE
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**
(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED
OMB NO. 0579-0160

TIME HORSES LOADED ON CONVEYANCE	DATE	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE
VEHICLE LICENSE NO. AND DRIVER'S NAME	NAME OF AUCTION/MARKET	
CONSIGNOR (OWNER/SHIPPER) NAME	CONSIGNEE (RECEIVER/DESTINATION) NAME	
STREET ADDRESS	STREET ADDRESS	
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE	
AREA CODE & TELEPHONE NO.	AREA CODE & TELEPHONE NO.	

Same

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

15BD

- Pregnant mares are not likely to foal (give birth) during the trip.
 Horses are able to bear weight on all 4 limbs.
 Foals are older than 6 months of age.
 Horses are not blind in both eyes.
 Horses are able to walk unassisted.

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION					BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions		
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal			Geld	
1	3331																		
2	32																		
3	33																		
4	34																		
5	35																		
6	36																		
7	37																		
8	38																		
9																			
10																			
11	38																		
12																			
13																			
14																			
15																			

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE.

SIGNATURE (b)(6) & (b)(7)c

I HEREBY AUTHORIZE THE CFIA TO DISCLOSE THIS DOCUMENT AND THE INFORMATION IN IT AS COMPLETED BY THE CFIA TO THE USDA. FALSIFICATION OF THIS FORM OR KNOWINGLY USING A FALSIFIED FORM IS A CRIMINAL OFFENSE AND MAY RESULT IN A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH (18 U.S.C. SECTION 1001).

SIGNATURE OF OWNER true and correct to the best of my knowledge (b)(6) & (b)(7)c

CANADIAN FOOD INSPECTION AGENCY (CFIA)

EST. _____
DATE _____
TIME _____

GOVERNMENT EXHIBIT
3
Page 3 of 3
APHIS FORM 7070 (MAR 95)

**OWNER/SHIPPER CERTIFICATE
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**
(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED
OMB NO. 0579-0160

TIME HORSES LOADED ON CONVEYANCE <i>10:30 PM</i>	DATE <i>5-31-04</i>	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE <i>Dutchman KS</i>
VEHICLE IDENTIFICATION NUMBER <i>(b)(6) & (b)(7)c</i>	NAME OF AUCTION/MARKET <i>none</i>	
CONSIGNOR (OWNER/SHIPPER) NAME <i>R.D. Smith</i>	CONSIGNEE (RECEIVER/DESTINATION) NAME <i>Belle Corp</i>	
STREET ADDRESS <i>720 east 56 street</i>	STREET ADDRESS <i>3801 Beme St</i>	
CITY, STATE, ZIP CODE <i>Dutchman KS 67502</i>	CITY, STATE, ZIP CODE <i>Fort Worth TX 76106</i>	
AREA CODE & TELEPHONE NO. <i>620-6637658</i>	AREA CODE & TELEPHONE NO. <i>817-624-1130</i>	

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- Pregnant mares are not likely to foal (give birth) during the trip. Horses are able to bear weight on all 4 limbs.
 Foals are older than 6 months of age. Horses are not blind in both eyes. Horses are able to walk unassisted.

TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions		
		Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld				
<i>uSBD</i>	<i>5051</i>		<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>										
	<i>52</i>							<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>										<i>Does not see good, but see some</i>
	<i>53</i>	<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>										
	<i>54</i>					<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>					
	<i>55</i>			<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>									
	<i>56</i>				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>										
	<i>57</i>	<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>										
	<i>58</i>				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>										
	<i>59</i>				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>					
	<i>60</i>	<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>					
	<i>61</i>							<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>					
	<i>62</i>							<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>		
	<i>63</i>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>					
	<i>64</i>					<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>					
	<i>65</i>					<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>					

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE.

SIGNATURE

(b)(6) & (b)(7)c

I HEREBY AUTHORIZE THE CFIA TO DISCLOSE THIS DOCUMENT AND THE INFORMATION IN IT AS COMPLETED BY THE CFIA TO THE USDA. FALSIFICATION OF THIS FORM OR KNOWINGLY USING A FALSIFIED FORM IS A CRIMINAL OFFENSE AND MAY RESULT IN A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH (18 U.S.C. SECTION 1001).

SIGNATURE OF OWNER/SHIPPER certifies that the information contained in this form is true and correct to the best of my knowledge.)

(b)(6) & (b)(7)c

CANADIAN FOOD INSPECTION AGENCY (CFIA)

EST.

DATE

TIME



FOIA 11-534 Page #000046

**OWNER/SHIPPER CERTIFICATE
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**
(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED
OMB NO. 0579-0160

TIME HORSES LOADED ON CONVEYANCE	DATE	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE
VEHICLE LICENSE NO. AND DRIVER'S NAME	NAME OF AUCTION/MARKET	
CONSIGNOR (OWNER/SHIPPER) NAME	CONSIGNEE (RECEIVER/DESTINATION) NAME	
STREET ADDRESS	STREET ADDRESS	
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE	
AREA CODE & TELEPHONE NO.	AREA CODE & TELEPHONE NO.	

SAME

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- Pregnant mares are not likely to foal (give birth) during the trip. Horses are able to bear weight on all 4 limbs.
 Foals are older than 6 months of age. Horses are not blind in both eyes. Horses are able to walk unassisted.

TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions	
		Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld			
5066						✓			✓					✓				
67			✓						✓									
68			✓						✓									
69								✓	✓					✓				
70					✓				✓									
71								✓	✓									
72		✓							✓					✓				
73								✓	✓					✓				
74		✓							✓					✓				
75					✓				✓					✓				
76								✓	✓									
77					✓				✓									
78		✓							✓					✓				
79								✓	✓					✓				
80								✓	✓									

USBD

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE

SIGNATURE _____ (b)(6) & (b)(7)c

I HEREBY AUTHORIZE THE CFIA TO DISCLOSE THIS DOCUMENT AND THE INFORMATION IN IT AS COMPLETED BY THE CFIA TO THE USDA. FALSIFICATION OF THIS FORM OR KNOWINGLY USING A FALSIFIED FORM IS A CRIMINAL OFFENSE AND MAY RESULT IN A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH (18 U.S.C. SECTION 1001).

SIGNATURE OF OWNER/SHIPPER (I certify that the information contained in this form is true and correct to the best of my knowledge) _____ (b)(6) & (b)(7)c

CANADIAN FOOD INSPECTION AGENCY (CFIA)

EST. _____
 DATE _____
 TIME _____

GOVERNMENT EXHIBIT
 4
 Page 2 of 3
 FOIA 11-534 Form Page #600047

**OWNER/SHIPPER CERTIFICATE
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**
(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED
OMB NO 0579-0160

TIME HORSES LOADED ON CONVEYANCE	DATE	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE
VEHICLE LICENSE NO. AND DRIVER'S NAME	NAME OF AUCTION/MARKET	
CONSIGNOR (OWNER/SHIPPER) NAME	CONSIGNEE (RECEIVER/DESTINATION) NAME	
STREET ADDRESS	STREET ADDRESS	
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE	
AREA CODE & TELEPHONE NO.	AREA CODE & TELEPHONE NO.	

SAME

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- Pregnant mares are not likely to foal (give birth) during the trip.
 Horses are able to bear weight on all 4 limbs.
 Foals are older than 6 months of age.
 Horses are not blind in both eyes.
 Horses are able to walk unassisted.

ASBD

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION					BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions	
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal			Geld
		5081					✓			✓							✓	
2		82	✓								✓					✓		
3		83				✓				✓							✓	
4		84		✓						✓					✓			
5		85	✓							✓					✓			
6		86						✓		✓							✓	
7		87	✓							✓					✓			
8		88						✓		✓						✓		
9		89	✓							✓							✓	
10																		
11		38																
12																		
13																		
14																		
15																		

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE.

SIGNATURE

(b)(6) & (b)(7)c

I HEREBY AUTHORIZE THE INFORMATION IN IT AS COMPLETED BY THE CFIA TO THE USDA. FALSIFICATION OF THIS FORM OR KNOWINGLY USING A FALSIFIED FORM IS A CRIMINAL OFFENSE AND MAY RESULT IN A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH (18 U.S.C. SECTION 1001).

SIGNATURE OF OWNER/SHIPPER/ I certify that the information contained in this form is true and correct to the best of my knowledge.

(b)(6) & (b)(7)c

CANADIAN FOOD INSPECTION AGENCY (CFIA)

EST.

DATE

TIME

GOVERNMENT EXHIBIT
4
Page 3 of 3
APHIS FORM 7070 (MAR 95)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED
OMB NO.
0579-0160

**OWNER/SHIPPER CERTIFICATE
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**
(Please type or print in ink)

TIME HORSES LOADED ON CONVEYANCE <i>1030 PM</i>	DATE <i>5-31-04</i>	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE <i>Hutchinson KS</i>
(b)(6) & (b)(7)c		NAME OF AUCTION/MARKET <i>none</i>
CONSIGNOR (OWNER/SHIPPER) NAME <i>R.S. Smith</i>		CONSIGNEE (RECEIVER/DESTINATION) NAME <i>Betty's Corp</i>
STREET ADDRESS <i>720 east 5th Street</i>		STREET ADDRESS <i>3801 Howe St</i>
CITY, STATE, ZIP CODE <i>Hutchinson KS 67502</i>		CITY, STATE, ZIP CODE <i>Westworth TX 76106</i>
AREA CODE & TELEPHONE NO. <i>620-6637658</i>		AREA CODE & TELEPHONE NO. <i>817-624-1130</i>

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- Pregnant mares are not likely to foal (give birth) during the trip.
 Horses are able to bear weight on all 4 limbs.
 Horses are able to walk unassisted.
- Foals are older than 6 months of age.
 Horses are not blind in both eyes.

45BD	TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld		
1	3251		✓							✓							✓	
2	52						✓			✓							✓	
3	53							✓		✓							✓	
4	54			✓				✓		✓					✓			
5	55							✓		✓							✓	
6	56		✓							✓							✓	
7	57					✓				✓							✓	
8	58						✓			✓							✓	
9	59		✓							✓					✓			
10	60		✓							✓					✓			
11	61		✓							✓					✓			
12	62						✓			✓							✓	
13	63						✓			✓					✓			
14	64						✓			✓					✓			
15	65						✓			✓							✓	

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE.

CANADIAN FOOD INSPECTION AGENCY (CFIA)

SIGNATURE

(b)(6) & (b)(7)c

I HEREBY AUTHORIZE THE CFIA TO DISCLOSE THIS DOCUMENT AND THE INFORMATION IN IT AS COMPLETED BY THE CFIA TO THE USDA. FALSIFICATION OF THIS FORM OR KNOWINGLY USING A FALSIFIED FORM IS A CRIMINAL OFFENSE AND MAY RESULT IN A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH (18 U.S.C. SECTION 1001).

SIGNATURE OF OWNER/SHIPPER (I certify that the information contained in this form is true and correct to the best of my knowledge)

(b)(6) & (b)(7)c

EST.

DATE

TIME



**OWNER/SHIPPER CERTIFICATE
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**
(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED
OMB NO.
0579-0160

TIME HORSES LOADED ON CONVEYANCE	DATE	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE
VEHICLE LICENSE NO. AND DRIVER'S NAME	NAME OF AUCTION/MARKET	
CONSIGNOR (OWNER/SHIPPER) NAME	CONSIGNEE (RECEIVER/DESTINATION) NAME	
STREET ADDRESS	STREET ADDRESS	
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE	
AREA CODE & TELEPHONE NO.	AREA CODE & TELEPHONE NO.	

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- Pregnant mares are not likely to foal (give birth) during the trip.
 Horses are able to bear weight on all 4 limbs.
 Foals are older than 6 months of age.
 Horses are not blind in both eyes.
 Horses are able to walk unassisted.

TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions		
		Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld				
45BD	3281					✓			✓					✓					
	82					✓			✓					✓					
	83	✓							✓					✓					
	84					✓			✓							✓			
	85					✓			✓					✓					
	86	✓							✓					✓					
	87					✓			✓							✓			
	88					✓				✓				✓					
5BD	5089	✓								✓						✓			
	39																		

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE.

SIGNATURE

(b)(6) & (b)(7)c

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SIGNATURE OF OWNER/SHIPPER: I certify that the information on this form is true and correct to the best of my knowledge.

(b)(6) & (b)(7)c

CANADIAN FOOD INSPECTION AGENCY (CFIA)

EST.

DATE

TIME



APHIS FORM 7070 (MAR 95)

FOIA 11-534 Page #000051

Week 24

BELTEX CORPORATION
HORSE LOAD RECEIVING REPORT

FILE EXCEL/H/PROCESSED HORSE TEMPLATE TAB # 23

DATE 6-2-04 WEEK 23

LOAD NO 307/216 BUYER Randy Smith

LOAD DELIVERED TO:
FORT WORTH: MORTON

TOTAL KILL FEED LEFTOVER MUSTANG CONDEMNED DIP DIP WEIGHT

<u>38</u>		<u>7</u>	<u>3</u>	<u>2</u>			
-----------	--	----------	----------	----------	--	--	--

COMMENTS: 12/216 25 hold
1 MEY 100

TAG #: 51

BUYER SHEET COST PRICING PREFERENCE 1006

1650.00

COMMISSION: 00

ADVANCE _____ CHECK NUMBER _____

LEFTOVER / HELDOVER: _____ PRORATED COST _____

LOAD TRUCKED BY _____

TRUCKING COST _____ PER MILE _____ PER HEAD _____

TRUCKING COST _____ PER LB _____ PER LOAD _____

TRUCKING: _____ BUYER / TRUCKER CHECK# _____ DATE: _____

TRUCKING: _____ BUYER / TRUCKER CHECK# _____ DATE: _____



APPROVAL PRESIDENT _____

BELTEX CORPORATION
HORSE LOAD RECEIVING REPORT

FILE EXCEL/H/PROCESSED HORSE TEMPLATE TAB # 10

DATE 6-1-04 WEEK 23

LOAD NO. 209/216 BUYER G.H. Smith

LOAD DELIVERED TO:
FORT WORTH: MORTON

TOTAL	KILL	FEED	LEFTOVER	MUSTANG	CONDEMNED	DIP	DIP WEIGHT
38	30	6					

COMMENTS: 10216 10

TAG #: 1065-1099

BUYER: SHEET/COST 17168.00 PRICING PREFERENCE 1006

COMMISSION: 20%

ADVANCE _____ CHECK NUMBER _____

LEFTOVER / HELDOVER: _____ PRORATED COST _____

LOAD TRUCKED BY _____ (b)(6) & (b)(7)c

TRUCKING COST _____ PER MILE _____ PER HEAD _____

TRUCKING COST _____ PER LB _____ PER LOAD _____

TRUCKING: _____ BUYER / TRUCKER CHECK# _____ DATE: _____

TRUCKING: _____ BUYER / TRUCKER CHECK# _____ DATE: _____

APPROVAL PRESIDENT _____



BELTEX CORPORATION
HORSE LOAD RECEIVING REPORT

FILE EXCEL/H/PROCESSED HORSE TEMPLATE TAB # 9

DATE 6-1-04 WEEK 23

LOAD NO 203/307 BUYER Randy Smith

LOAD DELIVERED TO: 39 FORT WORTH: MORTON

TOTAL	KILL	FEED	LEFTOVER	MUSTANG	CONDEMNED	DIP	DIP WEIGHT
<u>39</u>	<u>37</u>	<u>2</u>		<u>1</u>	<u>1 cond</u>		

COMMENTS: 1
glo

TAG # 919-957

BUYER: SHEET/COST 10000.00 PRICING PREFERENCE 100%

COMMISSION: 30 X

ADVANCE 10859.60 CHECK NUMBER _____

LEFTOVER / HELDOVER: _____ PRORATED COST _____

LOAD TRUCKED BY (b)(6) & (b)(7)c

TRUCKING COST 1945.40 PER MILE _____ PER HEAD _____

TRUCKING COST _____ PER LB _____ PER LOAD _____

TRUCKING: _____ BUYER/TRUCKER CHECK# _____ DATE: _____

TRUCKING: _____ BUYER/TRUCKER CHECK# _____ DATE: _____

APPROVAL PRESIDENT _____

GOVERNMENT EXHIBIT
8
Page 1 of 1
APHIS FORM 7070 (MAR 99)

BELTEX CORPORATION
3801 N. GROVE
FORT WORTH, TEXAS 76106

(817) 624-1136

LIVESTOCK RECEIPT

TIME 0645 DATE 6-1-04

SHIPPER R.G. Smith

TRUCKER (b)(6) & (b)(7)c

RATE _____ PHONE _____

No. HORSES RECEIVED 38

DEADS 0

CRIPPLES 0

BRUISES 0

DOWNERS 0

PEN NO. Loading Dock

RECEIVED BY (b)(6) & (b)(7)c

(b)(6) & (b)(7)c
WHITE--ORIGINAL

~~DRIVER~~ (b)(6) & (b)(7)c
PINK--DRIVER CANARY--YARDS

GOVERNMENT
EXHIBIT
9
Page 1 of 1
APHIS FORM 7070 (MAR 95)

BELTEX CORPORATION

3801 N. GROVE
FORT WORTH, TEXAS 76106

(817) 624-1136

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

LIVESTOCK RECEIPT

TIME 0445 DATE 6-1-04
SHIPPER _____
TRUCKER _____
RATE _____ PHONE _____

No. HORSES RECEIVED 38

DEADS 0 PENF-1
CRIPPLES 0 PNE-1
BRUISES 0 PENUS SUSPECT
DOWNERS 0 Pen-7 29
PEN NO. _____
RECEIVED BY _____

DRIVER _____

WHITE--ORIGINAL

PINK--DRIVER

CANARY--YARDS



BELTEX CORPORATION

3801 N. GROVE
FORT WORTH, TEXAS 76106

(817) 624-1136

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

LIVESTOCK RECEIPT

TIME 0500 DATE 6-1-04

SHIPPER R. G Smith

TRUCKER _____

RATE _____ PHONE _____

No. HORSES RECEIVED 39

DEADS 0

PENS - H, I, J,

CRIPPLES 0

K, L, M, (6)

BRUISES 0

(33) PEN 23

DOWNERS 0

PEN NO. 0

RECEIVED BY _____

DRIVER [REDACTED]

WHITE--ORIGINAL

PINK--DRIVER

CANARY--YARDS



Load Id 307/216-23

Load Date 06/02/04

Week 23

Animal	Ref	Type	Live Wt	Hot Wt Slaughter	Hot Wt Feeder	Numeric Grade	Grade	Pl	Per	Yield	Ac
1259	0	2	1065	0	660	9	F2+			62%	
1260	0	1	875	543	0	4	2			62%	
1261	ST	1	860	521	0	4	2			61%	
1263	ST	1	860	508	0	3	2+			59%	
1269	0	1	910	543	0	3	2+			60%	
1270	0	1	930	583	0	3	2+			63%	
1271	0	1	905	551	0	4	2			61%	
1274	0	1	850	488	0	4	2			57%	
1275	0	2	1025	0	636	9	F2+			62%	
1276	0	1	1015	590	0	3	2+			58%	
1279	ST	1	705	420	0	4	2			60%	
1281	0	2	905	0	561	9	F2+			62%	
1439	0	2	940	0	583	9	F2+			62%	
1440	0	1	1030	681	0	2	1			66%	
1441	0	1	1070	680	0	3	2+			64%	
1442	0	1	665	424	0	3	2+			64%	
1443	MUSTAI	1	980	629	0	3	2+			64%	0
1444	ST	1	910	587	0	3	2+			65%	0
1445	0	2	740	0	459	9	F2+			62%	0
1446	ST	1	820	481	0	4	2			59%	0
1447	0	1	1030	652	0	2	1			63%	0
1448	0	1	985	584	0	3	2+			59%	0
1449	0	1	970	624	0	3	2+			64%	0
1450	0	1	1000	644	0	3	2+1452			64%	0
1451	0	2	825	0	512	9	F2+			62%	0
1452	MUSTAI	1	895	552	0	3	2+			62%	0
1453	0	1	1015	630	0	3	2+			62%	0
1454	0	1	925	598	0	3	2+			65%	0
1455	0	2	815	0	505	9	F2+			62%	0
1456	0	1	1135	734	0	1	EX			65%	0
1457	OF	1	1165	718	0	3	2+			62%	0
1458	0	2	880	0	546	9	F2+			62%	0
1459	0	1	1165	720	0	2	1	0		62%	0
1460	0	2	795	0	493	9	F2+			62%	0
1461	0	1	800	478	0	4	2			60%	0
1462	0	1	1105	688	0	2	1	0		62%	0
1463	0	1	950	581	0	3	2+	0		61%	0
1464	0	1	1050	650	0	3	2+	0		62%	0
1465	0	2	950	0	589	9	F2+	0		62%	0
1466	0	1	915	564	0	4	2	0		62%	0
1467	0	1	1265	821	0	1	EX	0		65%	0.7
1468	0	1	985	573	0	3	2+	0		58%	0.4
1469	0	1	835	520	0	3	2+	0		62%	0.3
1471	0	1	735	470	0	4	2	0		64%	0.3
1472	0	1	1090	652	0	4	2	0		60%	0.3
1473	0	1	1095	611	0	4	2	0		56%	0.2
1474	0	1	1080	700	0	3	2+	0		65%	0.4
1475	0	1	1020	618	0	3	2+	0		61%	0.4
1476	0	1	865	569	0	3	2+	0		66%	0.4
49			46400	23180	5543						

Other Adjustments

-----Averages-----

Live Wt:	947 lbs.
Hot Wt:	586 lbs.
Yield:	61.90%
Price:	\$31.16
Adj Pr Live:	\$42.96
Adj Pr Hot:	\$69.40
Overpr Live:	\$14.72

	EX	No1	No2+	2
	2	4	22	11
	4%	8%	45%	22%
Avg Pr/Ht	\$904.26	\$554.89	\$416.68	\$282.9
	ClX	Cl	Draft	Draft
	0	0	0	0
	0%	0%	0%	0%
Avg Pr/Ht	\$0.00	\$0.00	\$0.00	\$0.00
	F1	F2+	F2	Total
	0	10	0	49
	0%	20%	0%	100%
Avg Pr/Ht	\$0.00	\$362.71	\$0.00	\$908.89



Load Id. 209/216-10

Load Date 06/01/04

WEEK 23

Animal	Ref	Type	Live Wt	Hot Wt Slaughter	Hot Wt Feeder	Numeric Grade	Grade	Price Per LB	Yield	Adj P LE
1062	0	1	945	587	0	2	1	0	62%	0.3
1063	0	1	895	551	0	3	2+	0	62%	(
1064	0	1	1135	733	0	3	2+	0	65%	(
1065	ST	1	865	580	0	3	2+	0	67%	(
1066	0	1	1020	588	0	3	2+	0	58%	(
1067	0	2	680	0	422	6	COLT	0	62%	C
1068	0	1	1170	778	0	1	EX	0	66%	0
1069	0	1	1125	735	0	3	2+	0	65%	0
1070	ST	1	660	384	0	4	2	0	58%	0
1071	0	1	980	604	0	2	1	0	62%	C
1072	0	1	1250	837	0	1	EX	0	67%	C
1073	0	1	1220	757	0	1	EX	0	62%	C
1074	0	1	1125	717	0	2	1	0	64%	C
1075	0	1	875	531	0	4	2	0	61%	(
1076	0	1	945	542	0	4	2	0	57%	(
1077	ST	1	880	547	0	3	2+	0	62%	(
1078	ST	1	1015	642	0	3	2+	0	63%	(
1079	0	1	915	586	0	3	2+	0	64%	(
1080	ST	1	885	547	0	3	2+	0	62%	(
1081	0	2	1010	0	626	9	F2+	0	62%	(
1082	0	1	1015	691	0	2	1	0	68%	(
1083	0	1	1105	686	0	3	2+	0	62%	(
1084	ST	1	950	562	0	3	2+	0	59%	(
1085	0	1	850	521	0	4	2	0	61%	(
1086	0	1	1010	633	0	3	2+	0	63%	(
1087	0	2	1550	0	930	13	DRAFT	0	60%	(
1088	0	1	1100	668	0	2	1	0	61%	(
1089	0	2	930	0	558	13	DRAFT	0	60%	(
1090	0	1	1195	767	0	1	EX	0	64%	1
1091	0	1	1080	653	0	3	2+	0	60%	(
1092	0	1	950	567	0	3	2+	0	60%	(
1093	0	1	995	621	0	3	2+	0	62%	(
1094	0	2	1430	0	858	13	DRAFT	0	60%	1
1095	ST	1	930	567	0	3	2+	0	61%	1
1096	0	2	1030	0	639	9	F2+	0	62%	1
1097	BLIND	1	1155	736	0	3	2+	0	64%	1
1098	ST	1	1145	747	0	3	2+	0	65%	1
1099	ST	1	925	576	0	4	2	0	62%	(
1264	0	1	975	604	0	3	2+	0	62%	(
1262	0	1	960	620	0	2	1	0	65%	(
1266	0	1	1005	620	0	2	1	0	62%	(
1280	0	1	1005	637	0	3	2+	0	63%	(
1267	ST	1	1085	672	0	4	2	0	62%	(
1268	0	1	980	652	0	2	1	0	67%	(
1258	0	1	1055	704	0	3	2+	0	67%	(
1285	CR	1	1130	712	0	3	2+	0	63%	(
1272	ST	1	1175	737	0	3	2+	0	63%	(
1273	ML	1	975	633	0	4	2	0	65%	(
48			49285	26832	4032					

Other Adjustmer

-----Averages-----

Live Wt: 1027 lbs.
Hot Wt: 643 lbs.
Yield: 62.62%
Price: \$33.51
Adj Pr Live: \$42.03
Adj Pr Hot: \$67.12
Overpr Live: \$18.06

	EX	No1	No2+	
	4	8	23	
	8%	17%	48%	15%
Avg Pr/Hc	\$865.39	\$467.75	\$423.26	\$266.60
	Clx	Cl	Draft	Dr
	1	0	0	0
	2%	0%	0%	6%
Avg Pr/Hc	\$227.40	\$0.00	\$0.00	\$266.60
	F1	F2+	F2	Total
	0	2	0	48
	0%	4%	0%	100%
Avg Pr/Hc	\$0.00	\$432.90	\$0.00	\$431.57



Load Id. 203-9

Load Date 06/01/04

WEEK 23

Animal	Ref	Type	Live Wt	Hot Wt Slaughter	Hot Wt Feeder	Numeric Grade	Grade	Price Per LB	Yield	Adj Price LB	Rt
919	0	1	1320	897	0	1	EX	C	68%	C	\$
920	0	1	995	624	0	3	2+	C	63%	C	\$
921	0	1	905	544	0	3	2+	C	60%	0	\$
922	0	1	685	392	0	4	2	C	57%	0	\$
923	0	1	1035	687	0	2	1	C	66%	0	\$
924	0	1	980	644	0	3	2+	C	66%	0	\$
925	0	1	1065	663	0	3	2+	C	62%	0	\$
926	0	1	1080	673	0	3	2+	C	62%	0	\$
927	0	1	1040	697	0	2	1+	0	67%	0	\$
928	ST	1	815	479	0	4	2	0	59%	0	\$
929	0	1	980	626	0	3	2+	0	64%	0	\$
930	0	1	785	437	0	4	2	0	56%	0	\$
931	0	1	1155	741	0	1	EX	0	64%	0	\$
932	0	1	1050	650	0	2	1	0	62%	0	\$
933	0	1	910	513	0	3	2+	0	56%	0	\$
934	0	1	1255	801	0	1	EX	0	64%	0	\$
935	0	1	910	553	0	3	2+	0	61%	0	\$
936	0	1	1115	721	0	2	1	0	65%	0	\$
937	0	1	1065	683	0	2	1+	0	64%	0	\$
938	0	1	1030	666	0	2	1	C	65%	0	\$
939	0	2	730	0	453	9	F2+	C	62%	0	\$
940	ST	1	840	487	0	4	2	C	58%	0	\$
941	0	1	830	463	0	4	2	C	56%	0	\$
942	ST	1	945	582	0	3	2+	C	62%	0	\$
943	0	1	1070	659	0	3	2+	C	62%	0	\$
944	0	2	665	0	412	6	COLT	C	62%	0	\$
945	0	1	955	610	0	3	2+	C	64%	0	\$
946	ST	1	895	525	0	5	3	C	59%	0	\$
947	ST	1	1035	667	0	3	2+	C	64%	0	\$
948	0	1	1105	685	0	2	1	C	62%	C	\$
949	0	1	890	567	0	4	2	C	64%	C	\$
950	0	1	1060	689	0	2	1	C	65%	C	\$
951	PONY	1	350	189	0	4	2	C	54%	C	\$
952	ST	1	995	601	0	3	2+	C	60%	C	\$
953	ST	1	905	561	0	3	2+	C	62%	C	\$
954	ST	1	1110	696	0	3	2+	C	63%	C	\$
955	ST	1	995	640	0	3	2+	C	64%	C	\$
957	ST	1	1140	717	0	3	2+	C	63%	C	\$
1278	MUSTAI	1	990	567	0	3	2+	C	57%	C	\$
39			37680	22596	865						\$

Other Adjustments

-----Averages-----

		EX	No1	No2+	2	3
Live Wt:	966 lbs.	3	8	18	7	1
Hot Wt:	602 lbs.	8%	21%	46%	18%	3%
Yield	62.26%	Avg Pr/Hd	\$786.48	\$428.44	\$327.65	\$120.46
Price:	\$34.30		CltX	Clt	Draft	Draft F Thin
Adj Pr Live:	\$34.15		1	0	0	0
Adj Pr Hot:	\$54.85		3%	0%	0%	0%
Overpr Live:	\$11.72	Avg Pr/Hd	\$165.24	\$0.00	\$0.00	\$0.00
			F1	F2+	F2	Total
			0	1	0	39
			0%	3%	0%	100%
		Avg Pr/Hd	\$0.00	\$166.80	\$0.00	\$329.94



CARRIER
 COMBINATION MOTOR VEHICLE BILL OF LADING AND FREIGHT BILL (INPLICATE)

Shipper's No. _____

Agent No. _____

Name of Carrier (b)(6) & (b)(7)c

Address (b)(6) & (b)(7)c

TYPE OF SHIPMENT	ROUTE NO.	NAME AND OR UNIT NO.	LENGTH OF LOADING SPACE		DRIVER	
ICC <input type="checkbox"/> KCC <input type="checkbox"/>		6719 17	Straight Truck	Semi-Trailer <input checked="" type="checkbox"/>	ADOK	482302

Received From (Shipper) RG Smith Date 5-31-04

AT Hutchinson Street Hutchinson City Hutchinson County Hutchinson State KS

The following described property in apparent good order (except as shown hereon) subject to tariffs in effect on the date of the issue of this bill of lading and conditions as shown on reverse side hereof.

Exception _____

Consigned to Beltex Street Grove St City Hutchinson County Hutchinson State TX

Destination Grove St Hutchinson TX

PREPAID \$ _____

TOTAL MILES HAILED 950

QUANTITY	DESCRIPTION OF SHIPMENT — SPECIAL MARKS	WEIGHT	RATE	PER*	AMOUNT
<u>38 HD</u>	<u>38 HD</u>				
	<u>Beltex to Hutchinson KS</u>				
	<u>Hutchinson to Hutchinson TX</u>				

* C—per Cwt. Veh.—per Vehicle Bu.—per Bushel T.—per Ton

Shipper, per _____

Carrier, per _____

TOTAL CHARGES 1900.00

The above described cargo received in good condition except as noted below

Date Delivered _____ A.M. _____ P.M.

CONSIGNEE RG Smith X SIGNATURE OF AGENT _____

Exception _____

Order Form KANSAS MOTOR CARRIERS ASSN., TOPEKA, KANSAS 66601

THIS FORM MUST BE PREPARED IN TRIPLICATE

BELTEX CORPORATION

88279

Vendor ID (b)(6) & (b)(7)c Vendor Name: (b)(6) & (b)(7)c

06/07/04 Check #: _____

Invoice No.	Date	Invoice Amount	Amount Paid	Discounts Taken	Credits Taken	Net Amount
23-38 HD SMITH	06/01/04	1900.00	1900.00	0.00	0.00	1900.00
					Net Check Amt	1900.00



CARRIER
 COMBINATION MOTOR VEHICLE PART OF LADING AND FREIGHT BILL (IN TRIPlicate)

Shipper's No. _____

Agent No. _____

Name of Carrier: (b)(6) & (b)(7)c Address: _____

TYPE OF SHIPMENT	ROUTE NO.	NAME AND OR UNIT NO.	LENGTH OF LOADING SPACE		DRIVER	
ICC <input checked="" type="checkbox"/> KCC <input type="checkbox"/>	12272	#1	Straight Truck	Semi-trailer	D.C.	482705

Received From (Shipper) Randy Smith Date 5-3-04
 AT Atchison, Mo.

The following described property in apparent good order (except as shown hereon) subject to tariffs in effect on the date of the issue of this bill of lading and conditions as shown on reverse side hereof.

Exception: _____

Consigned to: Better PREPAID \$ _____
 Destination: _____ TOTAL MILES HAULED 112

QUANTITY	DESCRIPTION OF SHIPMENT — SPECIAL MARKS	WEIGHT	RATE	PER*	AMOUNT
20	From Goodland, Mo Rep. Act. S.D.		2.10	W	2335.20

* C—per Cwt. Veh.—per Vehicle Bu.—per Bushel T.—per Ton

Shipper, per _____
 Carrier, per _____

TOTAL CHARGES 2335.20

The above described cargo received in good condition except as noted below Date Delivered _____ A.M.
 X _____ CONSIGNEE X _____ SIGNATURE OF AGENT _____ 20 _____ P.M.

Exception: _____ THIS FORM MUST BE PREPARED IN TRIPLICATE
 Reorder From KANSAS MOTOR CARRIERS ASSN., TOPEKA, KANSAS 66601

BELTEX CORPORATION

88259

Vendor ID: (b)(6) & (b)(7)c Vendor Name: (b)(6) & (b)(7)c 06/07/04 Check #: _____

Invoice No.	Date	Invoice Amount	Amount Paid	Discounts Taken	Credits Taken	Net Amount
3-38 HD 82705	06/01/04	2335.20	2335.20	0.00	0.00	2335.20
Net Check Amt						2335.20



Vendor ID: (b)(6) & (b)(7)c

Vendor Name: (b)(6) & (b)(7)c

07/04

Check #:

Invoice No.	Date	Invoice Amount	Amount Paid	Discounts Taken	Credits Taken	Net Amount
23-39 HD SMITH	06/01/04	1940.40	1940.40	0.00	0.00	1940.40
						Net Check Amt 1940.40

SF16001-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

GB5G1Y0020000

M02SF014586

CARRIER

COMBINATION MOTOR VEHICLE BILL OF LADING AND FREIGHT BILL (IN TRIPLICATE)

Shipper's No. _____

Agent No. _____

Name of Carrier _____

Address _____

TYPE OF SHIPMENT	ROUTE NO.	NAME AND OR UNIT NO.	LENGTH OF LOADING SPACE		DRIVER	
ICC <input type="checkbox"/> KCC <input type="checkbox"/>			Straight Truck	Semi-Trailer		375348

Received From (Shipper) _____ Date _____ 20
 Street }
 City }
 County }
 State }
 AT

The following described property in apparent good order (except as shown hereon) subject to tariffs in effect on the date of the issue of this bill of lading and conditions as shown on reverse side hereof.

Exception: _____

Consigned to _____

Destination _____

PREPAID \$ _____

TOTAL MILES HAILED 924

QUANTITY	DESCRIPTION OF SHIPMENT — SPECIAL MARKS	WEIGHT	RATE	PER*	AMOUNT
1			2.10	#	2.10

* C—per Cwt. Veh.—per Vehicle Bu.—per Bushel T.—per Ton

Shipper, per _____

Carrier, per _____

TOTAL CHARGES (b)(6) & (b)(7)c

The above described cargo received in good condition except as noted below

Date Delivered _____

X _____ X _____

CONSIGNEE SIGNATURE OF AGENT



Vendor ID: H RANDY SMIT

Vendor Name: Randy Smith

06/01/04

Check #:

Invoice No.	Date	Invoice Amount	Amount Paid	Discounts Taken	Credits Taken	Net Amount
23-221 HD ADVANCE-	06/01/04	60000.00	60000.00	0.00	0.00	60000.00
						Net Check Amt 60000.00

SF16001-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

GB5G1Y0020000 M02SF014586

ADVANCES

DATE Randy Smith
 NAME 6/1/04

# OF HORSES	40 =	10,202.00 ²⁰³
	41 =	12,520.00 ²¹⁷
	41 =	12,500.00 ²⁰⁹
	48 =	17,168.00
	51 =	16,300.00
	221 Hd	68,590.00

310.36
 27149 adv per horse

60,000 Per
 Wm J See

(b)(6) & (b)(7)c

(b)(6) & (b)(7)

Cost	Advance
203 10,202.00 -	110588.18 = 40
217 12,520.00 -	11131.09 = 41
209 12,500.00 -	10316.00 = 38
	11131.09 = 41

