



United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Investigative and Enforcement Services

Reference Number: NC08049-AC &  
NC10018-AC  
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April 11, 2012

Connie Hess  
1036 Fellowship Road  
Harrisonburn, VA 22802

## **OFFICIAL WARNING**

Re: Reference number NC08049-AC & NC10018-AC

Dear Sir or Madam:

### **Why You Are Receiving This Letter**

We believe that you violated the Horse Protection Act (15 U.S.C. § 1821 et seq.) (HPA), as described in the attached Official Warning. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the HPA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.


After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$2,200, or other sanctions, for each violation described in this Official Warning. Although we generally pursue penalties for this type of violation(s), we have decided not to pursue penalties in this instance so long as you comply, in the future, with laws that APHIS enforces.

### **Consequences Of Continuing Non-Compliance**

If you violate laws that APHIS enforces in the future, we may pursue criminal penalties, or we may pursue civil penalties for the violations described in this Official Warning, in addition to any penalties we may pursue for any future violations.

### **What To Do If You Have Questions**

If you have any questions concerning this Official Warning, contact Jennifer Jones at (301) 851-2780 or call our main office number at (301) 851-2948.

<p>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p>  <p><b>OFFICIAL WARNING</b> <b>VIOLATION OF FEDERAL REGULATIONS</b></p>	<b>CASE NUMBER:</b> NC08049-AC & NC10018-AC			
	<b>VIOLATOR:</b> Connie Hess			
	<b>ADDRESS</b> ( <i>Street, City, State, ZIP Code</i> ): 1036 Fellowship Road Harrisonburn, VA 22802			
<p>The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following violation(s) of Federal Regulations:</p> <p><b>Date of Violation: July 10, 2008 and August 28, 2009</b></p> <p><b>15 U.S.C. § 1824(2) Unlawful Acts.</b> The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse.</p> <p style="padding-left: 40px;">Lindsay Hess entered the sore horse, “Hurricane Rain,” for the purpose of showing or exhibiting, in the 2008 Land-O-The-Sky Summer Festival Horse Show and the 71st Annual Tennessee Walking Horse National Celebration.</p> <p><b>Date of Violation: July 10, 2008 and August 28, 2009</b></p> <p><b>9 C.F.R. § 11.3 Scar rule.</b> The scar rule applies to all horses born on or after October 1, 1975. Horses subject to this rule that do not meet the...scar rule criteria shall be considered to be “sore” and are subject to all prohibitions of section 5 of the Act.</p> <p style="padding-left: 40px;">Lindsay Hess entered the sore horse, “Hurricane Rain,” for the purpose of showing or exhibiting, in the 2008 Land-O-The-Sky Summer Festival Horse Show and the 71st Annual Tennessee Walking Horse National Celebration.</p>				
<p>The Animal and Plant Health Inspection Service (APHIS) created federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the violation(s) described above. Any further violation of these federal regulations may result in the assessment of a civil penalty, criminal prosecution, or other sanctions. If you have any questions concerning this Official Warning or violation(s), please contact the APHIS official listed in this notice.</p>				
<b>APHIS OFFICIAL (Name):</b> Robert J. Huttenlocker	<b>OFFICE ADDRESS:</b> 4700 River Road, Unit 85 Riverdale, MD 20737			
<b>APHIS OFFICIAL (Title):</b> Director, Investigative and Enforcement Services	<b>DATE ISSUED:</b> 4/11/2012	<b>TELEPHONE NUMBER:</b> (301) 851-2948		