

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Terry Wayne Sims also known as Terry Sims,

Respondent

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Docket No.

Complaint

There is reason to believe that the respondent named herein has violated the Horse Protection Act, as amended (15 U.S.C. § 1821 *et seq.*), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

1. Respondent Terry Wayne Sims also known as Terry Sims is an individual whose mailing address is 205 Jahde Drive, Nicholasville, Kentucky 40356.
2. Respondent Terry Sims is the *de facto* owner of a horse known as "Smooth Skyes".
3. On or about July 29, 2009, the Respondent signed a consent decision to resolve the allegations contained in In re Terry Logan Lunsford, Terry Wayne Sims also known as Terry Sims and Charles Sims, HPA Docket No. 08-0111.

II

4. On or about August 29, 2009, Respondent Terry Wayne Sims transported horses including a horse known as "Smooth Skyes" and a horse known as "Outer Limits" to the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

5. On or about August 29, 2009, the Respondent entered a horse known as "Outer Limits" as Entry No. 1479, Class No. 80, at the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

6. On or about August 30, 2009, the Respondent entered and allowed the entry of a horse known as "Smooth Skyes" as Entry No. 1476, Class No. 84 A, at the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

### III

7. On or about August 29, 2009, the Respondent violated section 5(1) of the Act (15 U.S.C. § 1824(1)), by transporting "Outer Limits" to the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee, while the horse was sore, as that term is defined in the Act, with reason to believe that the horse, while sore, may be entered for the purpose of its being shown or exhibited in that horse show.

8. On or about August 29, 2009, the Respondent violated section 5(1) of the Act (15 U.S.C. § 1824(1)), by transporting "Smooth Skyes" to the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee, while the horse was sore, as that term is defined in the Act, with reason to believe that the horse, while sore, may be entered for the purpose of its being shown or exhibited in that horse show.

### IV

9. On or about August 29, 2009, the Respondent violated section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), by entering "Outer Limits" as Entry No. 1479, Class No. 80, at the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee for the purpose of showing or exhibiting the horse while the horse was sore, as that term is defined in the Act.

10. On or about August 30, 2009, the Respondent violated section 5(2)(B) and 5(2)(D) of the Act (15 U.S.C. § 1824(2)(B) and (D)), by entering and allowing the entry of a horse known

as "Smooth Skyes" as Entry No. 1476, Class No. 84 A, at the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore, as the term is defined in the Act.

11. On or about August 30, 2009, the Respondent violated section 5(2)(A) of the Act (15 U.S.C. § 1824(2)(A)), by showing or exhibiting the horse known as "Smooth Skyes" as Entry No. 1476, Class No. 84 A, at the 71<sup>st</sup> Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore, as the term is defined in the Act.


WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact violated the Act, this complaint shall be served upon the Respondent. The Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The APHIS requests:

1. That unless the Respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:
  - (a) Assessing civil penalties against the Respondent in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and
  - (b) Disqualifying the Respondent for a specified period as provided in section

6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington, D.C.  
this 18<sup>th</sup> day of Jan., 2012

  
*Adm* Administrator  
Animal and Plant Health  
Inspection Service

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