



VIA: USPS Certified Mail
Shipping Event: 1st

December 29, 2011

Timothy Fitzgerald
1599 Wallace Thompson Road
Lewisburg, TN 37091

OFFICIAL WARNING

Re: Reference number TN10022-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) 734-0890 or call our main office number at (301) 734-8684.

<p>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p>  <p>OFFICIAL WARNING VIOLATION OF FEDERAL REGULATIONS</p>	CASE NUMBER: TN10022-AC			
	VIOLATOR: Timothy Fitzgerald			
	ADDRESS (<i>Street, City, State, ZIP Code</i>): 1599 Wallace Thompson Road Lewisburg, TN 37091			
<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>Date of Violation: August 27, 2009</p> <p>15 U.S.C. § 1824 Unlawful Acts. 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;">You showed or exhibited, the sore horse, “American Idol,” at the 71st Annual Tennessee Walking Horse National Celebration.</p> <p>Date of Violation: August 27, 2009</p> <p>9 C.F.R. § 11.3 Scar rule. 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;">You showed or exhibited, the sore horse, “American Idol,” at 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>				
APHIS OFFICIAL (Name): Sarah L. Conant	OFFICE ADDRESS: 4700 River Road, Unit 85 Riverdale, MD 20737			
APHIS OFFICIAL (Title): Supervisor, Animal Health and Welfare Enforcement Branch	DATE ISSUED: 12/29/2011	TELEPHONE NUMBER: (301) 734-8684		



Case Number: TN10022-AC

Sending Option: USPS Certified Mail

Version: Final

Document Create Date: 10/28/2011

Document Modify Date: 12/29/2011

Issuance Date: 12/29/2011

Author: Jennifer Jones at (301) 734-0890

Branch Chief: Sarah L. Conant

CC to IES Regional Directors
and Area Managers:

- ☒ W. Harris, IES, ER
- ☒ R. Broyles, IES, ER
- ☐ T. Fordahl, IES, WR
- ☐ E. Nickerson, IES, WR
- ☐ J. Rood, IES, ER
- ☐ S. Santiago, IES, ER
- ☒ H. Jordan, IES, ER
- ☐ W. Reinburg, IES, ER
- ☐ W. Swartz, IES, ER
- ☐ J. Freeman, IES, WR
- ☐ K. Kraubner-Lucas, IES, WR
- ☐ M. McCann, IES, WR
- ☐ E. Kelpis, IES, WR
- ☐ L. Carson, IES, WR

CC to Others:

R. Cezar, AC HQ

C. Jones, AC HQ

K. Page, IES ER

Final Processing: Ember Smootz

Production Notes: **[Production Notes]**

T02A Warning Letter (10-11)

Timothy Fitzgerald
1599 Wallace Thompson Road
Lewisburg, TN 37091