



MAY 19 2010

United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Marketing &
Regulatory
Programs Business
Services

4700 River Road
Riverdale, MD
20737

Gene Frye
203 Sams Road
Taylorsville, NC 28681

**CERTIFIED MAIL
RETURN RECEIPT**

Dear Mr. Frye:

The Animal and Plant Health Inspection Service (APHIS) enforces the Horse Protection Act (HPA) (15 U.S.C. § 1821 et seq.) and its implementing regulations. The HPA prohibits horses that are "sore" from participating in auctions, exhibitions, sales, or shows. The HPA also prohibits the transportation of horses that are "sore" to or from these events. Violations of the HPA jeopardize APHIS efforts to eliminate soring in horses.

APHIS is issuing the enclosed APHIS Form 7060, "Official Warning, Violation of Federal Regulations" to notify you of the [alleged] HPA violations documented in case number TN10068-AC.

The HPA authorizes the imposition of civil penalties up to \$2,200. This is to notify you that APHIS is hereby holding in abeyance the penalties that it may impose in connection with the above-described violations, provided that you comply with applicable APHIS laws and regulations in the future. If you again violate APHIS laws and regulations, APHIS may, if warranted, seek criminal penalties or the assessment of the civil penalties held in abeyance in addition to any penalties that may be warranted for any future violations.

If you have any questions concerning this letter, you may contact our office at (301) 734-8684.

Sincerely,

Fo Bernadette Juarez
Deputy Director
Investigative and Enforcement Services

Enclosure



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Program
An Equal Opportunity Provider and Employer

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



OFFICIAL WARNING
VIOLATION OF FEDERAL REGULATIONS

CASE NO.

TN10068-AC

VIOLATOR

Gene Frye

ADDRESS (Street, City, State, Zip Code)

**203 Sams Road
Taylorsville, NC 28681**

The Department of Agriculture has evidence that on or about June 20, 2009, you or your organization committed the following violation of Federal law:

Entered for the purpose of showing or exhibiting, the horse "Keepin the Cash," at the 40th Annual East Tennessee Walking Horse Classic in White Pine, TN, which was found sore.

The Horse Protection Act prohibits the following conduct:

15 U.S.C. § 1824(2) – 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."

9 CFR § 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...the Act."

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL (Name, Title)

Bernadette Juarez
Deputy Director
Investigative and Enforcement Services

OFFICE ADDRESS:

4700 River Road, Unit 85
Riverdale, MD 20737

SIGNATURE

[Signature] For B. Juarez

DATE ISSUED

May 18 2010

TELEPHONE NO.

(301) 734-8684

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO: