



VA08007-AC

United States
Department of
Agriculture

CERTIFIED RECEIPT REQUESTED

November 8, 2011

Office of
Administrative
Law Judges

Hearing Clerk

Room 1031
South Building

1400 Independence
Avenue SW

Washington, DC
20250-9200

(202) 720-4443
(202) 720-9776 fax

Lanzie Carroll Horton, Jr.
A/K/A Junior Horton
116 Kaitlyn Lane
Hillsville, Virginia 24343

Dear Mr. Horton:

Subject: Lanzie Carroll Horton, Jr., an individual, also known as Junior Horton, doing business as Horton's Pups, Respondent
Docket No. 12-0052

Enclosed please find a copy of the Complaint, which has been filed with this office under the Animal Welfare Act and a copy of the Rules of Practice that govern these proceedings. Please familiarize yourself with the rules a note that the comments which follow do not serve as a substitute for the Rules of Practice.

The rules specify that you may represent yourself or obtain legal counsel. If an attorney does not file an appearance on your behalf, it shall be presumed that you have elected to represent yourself. Most importantly, you have 20 days from the receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint. It is necessary that your answer set forth any defense you may wish to assert, admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does address each material allegation of the complaint shall constitute an admission of those allegations and waive of your right to an oral hearing. If a hearing is required, it shall be formal in nature and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony that is subject to cross-examination.

It is your responsibility to notify this office of any changes in your address or telephone numbers. Failure to do so may result in a judgment being entered against you without your knowledge. Your answer, as well as any other pleadings or requests regarding this proceeding must be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, D.C. 20250-9200.

Any questions you may have regarding the possible settlement of this case should be directed to the attorney whose name and telephone number appears on the last page of the complaint.

Sincerely,

L. Eugene Whitfield
Hearing Clerk

Enclosure(s)

CC: Colleen Carroll, OGC
Ruth Ann McDermott, APHIS

CMA: 11/08/11

2011 NOV -7 PM 3: 50

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:) Docket No. 12-0052
)
LANZIE CARROLL HORTON, JR., an individual,)
also known as JUNIOR HORTON, doing business)
as HORTON'S PUPS,)
)
Respondent.) Complaint

There is reason to believe that the respondent named herein has willfully violated the regulations and standards (9 C.F.R. § 1.1 et seq.)(the "Regulations" and "Standards") issued under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Lanzie Carroll Horton, Jr. (also known as Junior Horton), is an individual whose address is 116 Kaitlyn Lane, Hillsville, Virginia 24343. At all times mentioned herein, said respondent did business as Horton's Pups, and operated as a dealer, as that term is defined in the Act, without holding an Animal Welfare Act license.

ALLEGATIONS REGARDING THE SIZE OF RESPONDENT'S BUSINESS, GRAVITY OF ALLEGED VIOLATIONS, GOOD FAITH AND COMPLIANCE HISTORY

2. Respondent operates a large business, wherein he obtains dogs (including random-source dogs) and offers them for sale, and sells them wholesale to other dealers. The violations alleged in this complaint include serious instances of noncompliance with the licensing regulations. Respondent has not shown good faith, in that he has ignored the licensing regulations, even after having been advised by APHIS officials of the need for licensure. Beginning in January 2006, and continuing through at least September 30, 2009, respondent sold hundreds of dogs to retail pet stores,

without having obtained a license to do so. Specifically, between January 5, 2006 and July 6, 2006, respondent sold over 500 dogs without holding a valid license, and respondent continued to sell dogs without a license through 2009. Respondent's extensive noncompliance with the Act and the Regulations constitutes a history of violations, and the respondent's violations alleged herein strike at the very heart of the Animal Welfare Act: the regulation of dealers and the protection of pet owners.

ALLEGED VIOLATIONS OF THE LICENSING REGULATIONS

3. Between June 15, 2006, and continuing through September 30, 2009, respondent operated as a dealer, as that term is defined in the Regulations, without having obtained a license from the Secretary to do so, in willful violation of section 2.1(a)(1) of the Regulations (9 C.F.R. § 2.1(a)(1)), as follows:

a. November 9, 2006. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 29 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$6,650.00.

b. November 16, 2006. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 7 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$1,590.00.

c. November 22, 2006. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 16 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$2,050.00.

d. November 30, 2006. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 8 dogs, for use as pets, to Pauley's

Pups, a retail pet store, for \$1,800.00.

e. December 7, 2006. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 21 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$6,335.00.

f. December 14, 2006. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 13 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$2,750.00.

g. December 21, 2006. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 32 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$7,550.00.

h. December 28, 2006. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 6 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$900.00.

i. January 4, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 5 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$1,000.00.

j. January 11, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 33 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$7,600.00.

k. January 18, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 10 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$2,000.00.

- l. January 25, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 31 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$6,600.00.
- m. February 1, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 44 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$10,975.00.
- n. February 8, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 18 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$4,500.00.
- o. February 15, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 21 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$4,150.00.
- p. March 1, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 38 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$7,560.00.
- q. March 8, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 23 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$5,550.00.
- r. March 15, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 26 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$4,800.00.
- s. March 22, 2007. Respondent, while unlicensed, delivered for transportation,

transported, sold, or negotiated the sale of 21 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$6,450.00.

t. March 29, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 14 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$2,050.00.

u. April 5, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 16 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$3,500.00.

v. April 12, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 17 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$3,950.00.

w. April 19, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 32 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$8,000.00.

x. April 26, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 31 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$6,800.00.

y. May 2, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 13 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$3,050.00.

z. May 10, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 26 dogs, for use as pets, to Pauley's Pups, a retail

pet store, for \$3,910.00.

aa. May 17, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 24 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$5,150.00.

bb. May 24, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 32 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$8,800.00.

cc. May 31, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 21 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$5,650.00.

dd. June 7, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 6 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$1,050.00.

ee. June 14, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, and negotiated the sale of 24 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$5,935.00.

ff. June 21, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 30 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$7,500.00.

gg. June 28, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 19 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$4,250.00.

- hh. July 12, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 19 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$3,100.00.
- ii. July 19, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 33 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$6,175.00.
- jj. August 2, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 35 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$6,610.00.
- kk. August 9, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 11 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$2,390.00.
- ll. August 16, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 31 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$6,050.00.
- mm. August 23, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 28 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$6,500.00.
- nn. August 30, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 20 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$5,250.00.
- oo. September 6, 2007. Respondent, while unlicensed, delivered for

transportation, transported, sold, or negotiated the sale of 22 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$4,950.00.

pp. September 20, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 28 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$5,950.00.

qq. September 27, 2007. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 12 dogs, for use as pets, to Pauley's Pups, a retail pet store, for \$3,900.00.

rr. June 8, 2008. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 42 dogs, for use as pets, to Earvin Raber, a dealer.

ss. On or about December 27, 2008, through January 17, 2009. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of 2 dogs, for use as pets, to Harold Neuhart, a dealer.

tt. On or about September 30, 2009. Respondent, while unlicensed, delivered for transportation, transported, sold, or negotiated the sale of four dogs, for use as pets, to Pamela Knuckolls-Chappell, a dealer, for \$600.00.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations issued under 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 Animal and Plant Health Inspection Service requests 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 an expedited oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder, and assessing civil penalties against the respondent in accordance with the Act.

Done at Washington, D.C.
this 4th day of November, 2011


Acting Administrator
Animal and Plant Health Inspection Service

Colleen Carroll
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United States Department of Agriculture
Washington, D.C. 20250-1400
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