

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Gerale Martin and
Derrick Brown,

Respondents

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Docket No.

12-0291

Complaint

There is reason to believe that the respondents named herein have 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

A. Respondent Gerale Martin is an individual whose mailing address is 4480 Austin Road, Nesbit, Mississippi 38651.

B. Respondent Derrick Martin is an individual whose mailing address is 7310 Winter Harbor Lane, Memphis, Tennessee 38125.

C. At all times material herein, respondent Gerale Martin was the owner of the horse known as "All American Motown" which was entered as Entry No. 214, Class No. 3, on June 13, 2009, at the Guntown Lion's Club Walking Horse Show in Guntown, Mississippi.

D. At all times material herein, respondent Roger Ivins was the trainer of the horse known as "All American Motown" and entered this horse as Entry No. 214, Class No. 3, on June 13, 2009, at the Guntown Lion's Club Walking Horse Show in Guntown, Mississippi.

II

A. On June 13, 2009, respondent Gerale Martin, in violation of section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), entered for the purpose of showing or exhibiting, the horse known as "All American Motown" as Entry No. 214, Class No. 3, while sore, at the 2009 Guntown Lion's Club Walking Horse Show in Guntown, Mississippi.

B. On June 13, 2009, respondent Derrick Brown, in violation of section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), entered for the purpose of showing or exhibiting, the horse known as "All American Motown" as Entry No. 214, Class No. 3, while sore, at the 2009 Guntown Lion's Club Walking Horse Show in Guntown, Mississippi.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact violated the Act, this complaint shall be served upon the respondents. The respondents 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:

1. That unless the respondents fail to file an answer within the time allowed therefor, or file 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 respondents in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying each 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 13th day of April, 2011

Acting


Administrator
Animal and Plant Health
Inspection Service

BRIAN HILL
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