



KY08006-AC

United States
Department of
Agriculture

CERTIFIED RECEIPT REQUESTED

August 17, 2011

Office of
Administrative
Law Judges

Romney L. Harris
1783 Thomas Moore Road
Madisonville, KY 42431

Hearing Clerk

Room 1031
South Building

Dear Respondent:

1400 Independence
Avenue SW

**Subject: Romney L. Harris-
11-0350**

Washington, DC
20250-9200

Enclosed is a copy of the Complaint which has been filed under the Horse Protection Act. Also enclosed is a copy of the Rules of Practice which govern the conduct of these proceedings.

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

The rules specify that you may represent yourself or obtain legal counsel. **You have 20 days from receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed Answer to the Complaint.** Your Answer must set forth any defense you wish to claim and must admit or deny each allegation as set forth in the Complaint. In addition, your Answer may include a request for an oral hearing. Failure to file an Answer or filing an Answer which does not deny the material allegations of the Complaint shall constitute an admission of those allegations and waive your right to an oral hearing. If a hearing is required, it will be heard and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

It is your responsibility to notify this office of any change in 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 should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, DC 20250-9200.

All questions regarding the possible settlement of this case should be directed to the attorney, whose name and telephone number appear on the last page of the Complaint.

Sincerely,

Carla M. Andrews
Assistant Hearing Clerk

Enclosure(s)

STH: 08/17/2011

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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OALJ/OHC

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RECEIVED
11-0350

In re:) Docket No.
Romney L. Harris,)
Respondent) 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

A. Respondent Romney L. Harris is an individual whose mailing address is 1783 Thomas Moore Road, Madisonville, Kentucky 42431.

B. At all times material hereto, respondent Romney L. Harris was the owner and trainer of the horse known as "Dollar's Worth" and entered this horse as Entry No. 33, Class No. 76, on September 22, 2007, at the 41st Annual Kentucky Celebration, Liberty, Kentucky.

II

On September 22, 2007, respondent Romney L. Harris, 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 "Dollar's Worth" as Entry No. 33, in Class No. 76, at the 41st Annual Kentucky Celebration, Liberty, Kentucky, while the horse was sore.

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 Animal and Plant Health Inspection Service 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 10th day of August, 2011


Acting Administrator
Animal and Plant Health
Inspection Service

ROBERT A. ERTMAN
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250-1417
Telephone (202) 720-4982
robert.ertman@ogc.usda.gov