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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Docket No.

Justin R. Jenne doing business as
Justin Jenne Stables and Justin Jenne Stables
at Frazier and Frazier Farms, David Mullis,
Rebecca Mullis, and Darrell W. Frazier
doing business as Frazier and Frazier Farms,

Respondents) 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

1. Justin R. Jenne is an individual whose mailing address is P.O. Box 723, Shelbyville, Tennessee 37162. Respondent Jenne owns and operates Justin Jenne Stables. Justin Jenne Stables is also known as Justin Jenne Stables at Frazier and Frazier Farms.
 2. David Mullis is an individual whose mailing address is 367 Pleasant Valley Road NE, Monroe, Georgia 30655. David Mullis was an owner of a horse known as "Jose's Flamingo".
 3. Rebecca Mullis is an individual whose mailing address is 367 Pleasant Valley Road NE, Monroe, Georgia 30655. Rebecca Mullis was an owner of a horse known as "Jose's Flamingo".
 4. Darrell W. Frazier is an individual whose mailing address is 4298 Round Mountain Road, Jamestown, Tennessee 38556. Respondent Frazier owns and operates Frazier and Frazier Farms.

II

5. On or about April 16, 2009, Justin R. Jenne entered a horse known as "Jose's Flamingo Dancer" as Entry No.107, Class No.16, at the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky. On or about April 16, 2009, Justin Jenne Stables entered a horse known as "Jose's Flamingo Dancer" as Entry No.107, Class No.16, at the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky.

6. On or about April 16, 2009, David Mullis entered a horse known as "Jose's Flamingo Dancer" as Entry No.107, Class No.16, at the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky.

7. On or about April 16, 2009, David Mullis and Rebecca Mullis allowed the entry of a horse known as "Jose's Flamingo Dancer" as Entry No.107, Class No.16, at the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky.

III

8. On or about August 28, 2010, Justin R. Jenne entered and exhibited a horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee. On or about August 28, 2010, Justin Jenne Stables entered a horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

9. On or about August 28, 2010, Darrell W. Frazier allowed the entry and exhibition of a horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

IV

10. On or about April 16, 2009, Justin R. Jenne violated section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), by entering "Jose's Flamingo Dancer" as Entry No. 107, Class No. 16, at the Spring Jubilee Charity Horse Show in Harrodsburg for the purpose of showing or exhibiting the horse while the horse was sore. On or about April 16, 2009, Justin R. Jenne Stables violated

section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), by entering “Jose’s Flamingo Dancer” as Entry No. 107, Class No. 16, at the Spring Jubilee Charity Horse Show in Harrodsburg for the purpose of showing or exhibiting the horse while the horse was sore.

11. On or about April 16, 2009, David Mullis violated section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), by entering “Jose’s Flamingo Dancer” as Entry No. 107, Class No. 16, at the Spring Jubilee Charity Horse Show in Harrodsburg for the purpose of showing or exhibiting the horse while the horse was sore.

12. On or about April 16, 2009, David Mullis and Rebecca Mullis violated section 5(2)(D) of the Act (15 U.S.C. § 1824(2)(D)), by allowing the entry of the horse known as “Jose’s Flamingo Dancer” as Entry No. 107, Class No. 16, at the Spring Jubilee Charity Horse Show in Harrodsburg for the purpose of showing or exhibiting the horse while the horse was sore.

V

13. On or about August 28, 2010, Justin R. Jenne violated section 5(2)(A) and (B) of the Act (15 U.S.C. § 1824(2)(A) and (B)), by entering and showing or exhibiting the horse known as “Bat Her Up” as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore. On or about August 28, 2010, Justin R. Jenne Stables violated section 5(2)(A) and (B) of the Act (15 U.S.C. § 1824(2)(A) and (B)), by entering and showing or exhibiting the horse known as “Bat Her Up” as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore.

14. On or about August 28, 2010, Darrell W. Frazier violated section 5(2)(A) and (D) of the Act (15 U.S.C. § 1824(2)(A) and (D)), by allowing the entry and showing or exhibiting of the horse known as “Bat Her Up” as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore. On or about August 28, 2010, Frazier and Frazier Farms violated section 5(2)(A) and (D) of the Act (15 U.S.C. § 1824(2)(A) and (D)), by allowing the entry and showing or exhibiting of the horse

known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee while the horse was sore.

15. On or about August 28, 2010, Justin R. Jenne and Justin Jenne Stables violated section 5(7) of the Act (15 U.S.C. § 1824(7)) by entering and showing or exhibiting the horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville while the horse was wearing or bearing a substance which is not permitted by the regulations promulgated pursuant to the Act.

16. On or about August 28, 2010, Darrell W. Frazier and Frazier and Frazier Farms violated section 5(7) of the Act (15 U.S.C. § 1824(7)) by entering and showing or exhibiting or allowing the entering, showing and exhibiting of the horse known as "Bat Her Up" as Entry No. 1408, Class No. 77B, at the 72nd Annual Tennessee Walking Horse National Celebration in Shelbyville while the horse was wearing or bearing a substance which is not permitted by the regulations promulgated pursuant to the Act.

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, sale or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington, D.C.
this 12th day of October, 2012


Acting

Administrator
Animal and Plant Health
Inspection Service

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