

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:

) Joshua Clay Mills,
Respondent)

Docket No. 12-0602

Complaint

RECEIVED

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. Joshua Clay Mills, hereinafter referred to as the respondent, is an individual whose mailing address is 360 Toast Road, Mount Airy, NC 27030.

B. At all times material hereto, respondent was the constructive owner of the horse known as "The Games We Play" which was entered as Entry No. 335, Class No. 45, on May 29, 2010, at the 40th Annual Spring Fun Show at Shelbyville, Tennessee.

II

On May 29, 2010, respondent Joshua Clay Mills, in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. § 1824(2)(B), (D)), entered and allowed the entry of the horse known as "The Games We Play" as Entry No. 335, in Class No. 45, at the 40th Annual Spring Fun Show at Shelbyville, Tennessee, while the horse was sore by virtue of being scarred as defined in section 11.3 of the regulations issued pursuant to the Act (9 C.F.R. § 11.3).

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 24th day of August, 2012


Selby

Administrator
Animal and Plant Health
Inspection Service

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