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United States
Department of
Agriculture

CERTIFIED RECEIPT REQUESTED

BY:.....

January 9, 2014

Office of
Administrative
Law Judges

SHOW, Inc.
1110 Evans Street
Shelbyville, TN 37160

Hearing Clerk

Room 1031
South Building

Dear Respondent:

1400 Independence
Avenue SW

Subject: SHOW, Inc., - Respondent
Docket No. 14-0056

Washington, DC
20250-9200

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

Enclosed is a copy of the Complaint filed under the Horse Protection Act. Also enclosed is a copy of the Rules of Practice which govern the conduct of these proceedings. Please familiarize yourself with the rules and note that the comments which follow are not a substitute for the rule requirements.

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 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 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 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 shall be formal in nature 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. The filing hours are Monday – Friday between the hours of 8:30 am- 4:30 pm.

Any questions you may have 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.

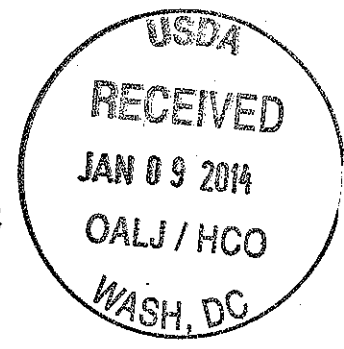
Sincerely,

Carla M. Andrews
Assistant Hearing Clerk

Enclosure(s)

CC: Frank Martin, OGC
Jo Brown, APHIS

JC: 1/9/14



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

SHOW, Inc.,)	
)	
)	HPA Docket No. 14-0056
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, and the Regulations implemented thereunder (9 C.F.R. § 11.1 et seq.) Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

1. Respondent SHOW, Inc., is a Tennessee corporation, whose mailing address is 1110 Evans Street, Shelbyville, TN 37160.
2. SHOW, Inc., has a Registered Agent, Mike Inman, whose mailing address is 1110 Evans Street, Shelbyville, TN 37160.
3. On May 27, 2011, the United States Department of Agriculture (USDA) solicited public comments for a proposed rule that would make minimum dismissal and suspension penalties uniform and mandatory for all Horse Industry Organizations or Associations (HIOs). See 76 Fed. Reg. 30,864 (May 27, 2011).

4. On June 7, 2012, the USDA issued a final rule requiring HIOs to assess and enforce minimum penalties against violators of the Horse Protection Act in accordance with the final rule that became effective on July 9, 2012. See 77 Fed. Reg. 33,607 (June 7, 2012).

5. On July 6, 2012, the United States District Court for the Northern District of Texas, Fort Worth Division (district court), denied SHOW Inc.'s motion for a temporary restraining order regarding the final rule. See 2012 WL 2796568 (N.D.Tex.).

6. On July 19, 2012, the USDA notified SHOW, Inc., that it was not in compliance with the final rule, and gave it five business days to come into compliance or explain its failure to comply with the final rule.

7. On August 1, 2012, the USDA issued SHOW, Inc., an initial notice that its Designated Qualified Person (DQP) Certification Program was revoked because it was not in compliance with the final rule, and that SHOW, Inc., could appeal USDA's decision and request a hearing.

8. On August 28, 2012, SHOW, Inc., filed an appeal and requested a hearing.

9. On July 29, 2013, the district court granted the USDA's motion for summary judgment, and denied SHOW, Inc.'s motion, and dismissed all claims in the case with prejudice concerning the final rule. See Case 4:12-cv-00429-Y (N.D. Tex).

II

1. From on or about July 14, 2012, to on or about September 21, 2013, the respondent, on at least 139 occasions, failed to assess and enforce minimum penalties on individuals involved in violations of the Horse Protection Act, in violation of sections 11.21(d), 11.25(b), and 11.25(c) of the Regulations (9 C.F.R. §§ 11.21(d), 11.25(b), and 11.25(c)).

2. From on or about July 14, 2012, to on or about September 21, 2013, the respondent failed to submit to USDA all evidence composing the record of a HIO's decision in appeal proceedings where the penalty was overturned by the HIO, in violation of section 11.25(e) (9 C.F.R. § 11.25(e)).

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

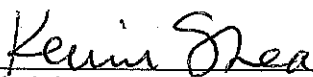
2. That such order or orders be issued as are authorized by the Regulations and warranted under the circumstances including an order:

(a) Revoking the DQP Certification Program of SHOW, Inc., pursuant to section 11.7(g) (9 C.F.R. § 11.7(g)) of the Regulations; and

(b) Disqualifying respondent from applying for a DQP Certification Program

in the future.

Done at Washington, D.C.
this 7th day of Jan., 2014



Administrator
Animal and Plant Health
Inspection Service

FRANK MARTIN, JR.
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250
Telephone (202) 720-9242