

Tom Olds
Olds Farm
530 Ruben Lewis Lane
Sparta, KY 41086
March 15, 2012

Department of Agriculture:

Re: USDA Letter dated 10/26/11
Re: James Thomas Olds, Respondent
Docket Number: 12-0038

U.S. Dept of Agriculture, James Thomas Olds,
Respondent, Docket No. 12-0038, Complaint

James Thomas Olds letter to L. Eugene Whitfield

USDA Letter dated 11/17/11
Re: James Thomas Olds, Respondent
Docket Number 12-0038

U.S. Dept of Agriculture, Docket No. 12-0038
James Thomas Olds, Respondent, Consent Decision
And Order

We have traveled and exhibited Tennessee Walking Horses since 1979 and this is the first time we have ever experienced anything like this. We are not soring our horses and it is very unfair to be accused of something like this. This is the first time in our forty years for our farm to be given a USDA violation, a \$4,400 penalty and a two year disqualification -- *this isn't justice* - this is harassment and certainly unfair.

I served over six years in our U. S. Army but I never thought I would see the day that I would be fearful and experience injustice from my own Government. I cannot afford to fight this kind of big Government.

Tennessee Walking horses is our small business and family hobby. Son and daughter started exhibiting when they were each five years old. We all still exhibit. I now have three young grandsons that love the horses and the

oldest grandson (five) already has his first horse. I want to give these boys an opportunity to quality growth in many ways.

Traveling and exhibiting our horses has been a lot of hard work but has been very rewarding for my family.

My son, James Thomas Olds, is thirty-three years old, and one of Kentucky's full-time young farmers, father of my youngest grandson, Chairman of our Southern States Cooperative Board of Directors, serves on the Phase I Board and very actively involved in church and other areas throughout our area of Kentucky.

We need your help.

Thank you in advance for your consideration in this matter.

Telephone 502 463-2353

Email - oldsfarms@gmail.com

A handwritten signature in cursive script that reads "Tom Olds".

Tom Olds



CERTIFIED RECEIPT REQUESTED

United States
Department of
Agriculture

October 26, 2011

Office of
Administrative
Law Judges

James Thomas Olds
9375 Highway 127 North
Sparta, Kentucky 41086

Hearing Clerk

Room 1031
South Building

Dear Mr. Olds:

Subject: James Thomas Olds, Respondent
Docket Number: 12-0038

1400 Independence
Avenue SW

Washington, DC
20250-9200

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.


(202) 720-4443

(202) 720-9776 fax

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 your 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,


L. Eugene Whitfield
Hearing Clerk

Enclosure: 2

CC: Sharlene Deskins, OGC
Ruth Ann McDermott, APHIS

CMA: 10/26/11

USDA
OALU/CHC
21 OCT 23 11 2:42
RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. 12-0038
James Thomas Olds,)
)
)
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

- 1. James Thomas Olds (hereafter Respondent) is an individual whose mailing address is 9375 Highway 127 North, Sparta, Kentucky 41086.
- 2. At all times material herein Respondent Olds was the owner of a horse known as "Maggie May of Grassland".
- 3. At all times material herein Respondent Olds was the owner of a horse known as "A Midnight Touch".

II

- 4. On or about October 9, 2009, the Respondent transported the horse known as "Maggie May of Grassland" and the horse known as "A Midnight Touch" to the North Carolina Championship Walking Horse Show in Fletcher, North Carolina.
- 5. On or about October 9, 2009, the Respondent entered and allowed the entry of "Maggie May of Grassland" as Entry No. 82, Class No. 25, at the North Carolina Championship Walking Horse Show in Fletcher, North Carolina.

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 October, 2011

Acting Kevin Shea
Administrator
Animal and Plant Health
Inspection Service

SHARLENE DESKINS
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250-1417
Telephone (202) 720-2595
sharlene.deskins@usda.gov

Dear L. Eugene Whitfield,

This letter is in response to the letter I received from you on October 29 concerning a complaint filed against me under the horse protection act.

On October the 9 2009 I transported two horses known as Maggie Mae of Grassland and A Midnight Touch to Fletcher, North Carolina, where I stabled them in preparation for the North Carolina Championship Horse Show. On October 9 I entered these two horses to be shown. The first horse I presented for inspection was Maggie Mae of Grassland. She was inspected by the DQP and found to be in compliance with the horse protection act. One of the VMO's requested to inspect Maggie Mae of Grassland. The VMO said that Maggie Mae of Grassland was not in compliance with the horse protection act due to hair loss. I did not agree with her so I questioned the VMO about her decision, and after some discussion she took my information and I took Maggie Mae of Grassland back to the stable. There was no second opinion from another VMO.

The second horse I presented for inspection on October 9 was A Midnight Touch. The DQP inspected A Midnight Touch and found him to be in compliance with the horse protection act. After the DQP inspection, the same VMO who inspected my other horse requested to inspect A Midnight Touch and I agreed. Using a totally different palpation technique than she used on Maggie Mae of Grassland, she found A Midnight Touch to be in violation of the horse protection act due to reaction from her palpation. A Midnight Touch was then inspected by another DQP who found him to be totally in compliance with the horse protection act. Once again there was no second opinion from another VMO. The VMO then said to me "It's not going to happen tonight." The VMO then got her clip board, asked if my address was still the same, and took my information. I then took A Midnight Touch back to the stable.

I have been showing horses as a hobby since 1984. I have prepared my own horses to be shown since 1995. Over the years my horses have been inspected by the USDA on numerous occasions. Prior to this complaint, I have never had a USDA violation, and have only had one DQP violation on a horse that I trained. I feel that my record speaks for itself. I feel that for some reason I was singled out to be harassed by this one particular VMO at the North Carolina Championship Horse Show. I do not feel I have violated the horse protection act in any way. When you review the video tapes from these two cases you will see the inconsistency of this VMO.

Sincerely,
James Thomas Olds



United States
Department of
Agriculture

Office of
Administrative
Law Judges

November 17, 2011

Hearing Clerk

James Thomas Olds
9375 Highway 127 North
Sparta, Kentucky 41086

Room 1031
South Building

1400 Independence
Avenue SW

Dear Sir:

Washington, DC
20250-9200

Subject:

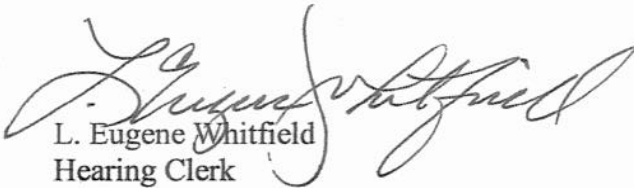
James Thomas Olds, Respondent
Docket No. 12-0038

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

Your answer to the complaint, has been received and filed with this office in the above-captioned proceeding.

You will be informed of any further action taken in this matter.

Sincerely,



L. Eugene Whitfield
Hearing Clerk

cc: Sharlene Deskins, OGC
Ruth Ann McDermott, APHIS, Unit 85

fccangeles/11/17/2011

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	Docket No. 12-0038
)	
James Thomas Olds,)	
)	Consent Decision
)	and Order
Respondent)	

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R § 1.138).

Respondent James Thoms Olds admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purposes only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

A. Respondent James Thomas Olds (hereafter Respondent) is an individual whose mailing address is 9375 Highway 127 North, Sparta, Kentucky 41086.

B. On or about October 9, 2009, the Respondent transported horses including a horse known as "Maggie May of Grassland to North Carolina Championship Walking Horse Show in Fletcher, North Carolina.

C. On or about October 9, 2009, the Respondent, entered and allowed the entry of a horse known as "Maggie May of Grassland" as Entry No.82, Class No. 25, at the North Carolina Championship Walking Horse Show in Fletcher, North Carolina.

D. On or about October 9, 2009, the Respondent entered and allowed the entry of a horse known as "A Midnight Touch" as Entry No. 85, Class No. 45, at the North Carolina Championship Walking Horse Show in Fletcher, North Carolina..

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent James Thomas Olds is assessed a civil penalty of \$4,400.
2. Respondent James Thomas Olds is disqualified for two uninterrupted years from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction. "Participating" means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events. The disqualification shall start on the first day of the month following the month in which the consent decision was signed by the respondent.

This order shall have the same effect as if entered after a full hearing and shall

become effective on the first day after service of this decision on the respondents.

Copies of this decision shall be served upon the parties.

James Thoms Olds
Respondent

Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this _____ day of _____, 201__

Administrative Law Judge