



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM
COMMISSIONER



11/28/2017
(225) 925-3962

VIA HAND DELIEVERY

RE: CASE NO. MC-17-005

AGRICULTURAL &
ENVIRONMENTAL
SCIENCES
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Fax: 925-3760

AGRO-CONSUMER
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ANIMAL HEALTH
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MANAGEMENT
& FINANCE
5825 Florida Blvd.
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MARKETING
5825 Florida Blvd.
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(225) 922-1277
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SOIL & WATER
CONSERVATION
5825 Florida Blvd.
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(225) 922-1269
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Mr. Jacob Thompson
456 Donald Perkins Road
Pitkin, Louisiana 70656
and
164 St. Claire Road
Boyce, Louisiana 71409

Dear Mr. Thompson:

This is your formal notice to be present at a hearing of the Louisiana Board of Animal Health at 10:00 AM, January 5, 2018 in the Veterans' Memorial Auditorium of the Louisiana Department of Agriculture and Forestry Building, 5825 Florida Boulevard, Baton Rouge, Louisiana, or such other date and time to which said action may be continued. This hearing is held under the authority of and in accordance with the Louisiana Revised Statutes 3:562, 3:2093 and 49:951, *et seq.* At the hearing, you will be asked to answer allegations that you violated provisions of the Louisiana Board of Animal Health Laws, Rules and/or Regulations. Specifically, the Department is alleging the following violations:

- A. One (1) violation of La. R.S. 3:563 - "All market agencies and dealers shall secure an annual permit from the Louisiana Board of Animal Health for the privilege of conducting business."
- B. One (1) violation of La. R.S. 3:565(B) – Every market agency and dealer, on or before the date of commencement of operations, shall execute and thereafter maintain, or cause to be executed and maintained, a surety instrument payable to the executive secretary of the Louisiana Board of Animal Health."

1. Charges (A) and (B) above are based on the following: Upon information and belief, Respondent purchased 20 equine between March 21, 2017 and April 25, 2017 from Dominique's Livestock Market. Respondent sold those same horses within a thirty day period to buyers identified in nine states. Respondent did not have an annual permit or have security instrument payable to the executive secretary of BOAH during this period.



C. One (1) violation of LAC 7:XXI.521 – “A. All equine imported into the state shall meet the general requirements of §501 and the following specific requirements.

1. All equine moving into Louisiana for any purpose other than consignment to an approved Louisiana livestock auction market or an approved slaughter establishment for immediate slaughter shall be accompanied by a record of a negative official test for equine infectious anemia (EIA) conducted within the past 12 months. The official test shall be conducted by an approved laboratory. The name of the laboratory, the case number and the date of the official test shall appear on the health certificate as required in §523.”

D. One (1) violation of LAC 7:XXI.501 – All livestock brought into the state shall be accompanied by an official health certificate stating that the animals are healthy, free from signs of infectious or contagious diseases and signs of internal and/or external parasites, and meet the specific requirements stated in this regulation. Health certificates are valid for 30 days only. Livestock consigned to an approved slaughter establishment or an approved livestock auction market are exempt from this requirement. No livestock affected with, or carrying the contagion of, screwworms shall be moved into Louisiana for any purpose.

1. Charges (C) and (D) are based on the following: Upon information and belief, Respondent purchased 79 equine in Texas on or about June 6, 2017, and transported said equine into Louisiana without complete health certificates and without a completed EIA test for each equine.

E. One (1) violation of La. R.S. 3:2131 – “In order to prevent, control, and eradicate anthrax or charbon, glanders, blackleg, hemorrhagic septicemia, hog cholera, and all other contagious or communicable diseases of mules, horses, cattle, sheep, goats, swine, and poultry throughout the state, the carcasses of all animals shall be disposed of in a sanitary manner by cremation or deep burial. Burial in this sense means that the animal carcass shall be placed in a hole or pit not less than six feet deep in the disposition of carcasses of cows, mules, poultry, and horses, and not less than four feet as applying to carcasses of sheep, goats, and swine. The owners, agents, firms, or corporations, or persons in charge of any or all livestock on ranges, pastures, or other premises shall be responsible for disposition of all carcasses in those herds over which they have jurisdiction, with reference to complying to the provisions of this Part.”

1. Charge (E) is based upon the following: On or about June 28, 2017, a LDAF enforcement program manager observed numerous equine carcasses in various stages of decay in open fields at the business address for Thompson Horse Lot. Approximately seven days later, a LDAF veterinarian visited Thompson Horse Lot and observed dead equine on the property not disposed of in accordance with the rules.

If you do not wish to contest these charges, you may dispose of same by contacting the Animal Health and Food Safety Division of the Louisiana Department of Agriculture and Forestry at the number or address included, no later than ten (10)

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days prior to the hearing date. You are advised that in the event the evidence and testimony submitted at the hearing indicates that you have committed the violation(s), the Commission may impose a civil penalty of not more than \$1,000.00 per violation.

You will be accorded the following rights at the hearing:

1. You may appear on your own behalf, or you may be accorded counsel of your choice at your own expense.
2. You may present and enter into the record evidence on all issues of fact.
3. You may examine the evidence entered into the record by the Louisiana Board of Animal Health and/or the Louisiana Department of Agriculture and Forestry.
4. You may present arguments on all issues of law and fact.
5. You may cross-examine, as appropriate, witnesses who appear for the Louisiana Board of Animal Health and the Louisiana Department of Agriculture and Forestry.

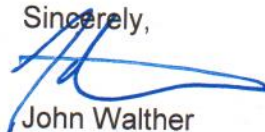
An assistant attorney general will be appointed as hearing officer. That address is Post Office Box 94005, Baton Rouge, LA 70804. The telephone number is (225) 326-6000. You may request information on the issuance of subpoenas from that office.

If you wish to issue subpoenas for the appearance of any person or the production of any records, you should contact the hearing officer two (2) weeks prior to the date of hearing.

If you wish a transcript of the proceedings, you must provide your own court reporter. In an effort to have adequate room for the court reporter, please notify the Louisiana Department of Agriculture and Forestry in writing, and to my attention, two (2) weeks prior to date of hearing, if you will be bringing a court reporter to the hearing.

If I can be of further assistance, please feel free to contact this office.

Sincerely,



John Walther
Director of Veterinary Health Division
Louisiana Department of Agriculture & Forestry
Office of Animal Health and Food Safety
5825 Florida Blvd. Suite 4001
Baton Rouge, Louisiana 70821