

## Investigative and Enforcement Services

USDA, APHIS, IES  
4700 River Road, Unit 85  
Riverdale, MD 20737  
Phone: (301) 734-8684  
Fax: (301) 734-4328

## Settlement Agreement

### RESPONDENT:

#### 1<sup>st</sup> Address

**Musick Livestock  
3201 North Ohlman  
Mitchell, SD 57301**

#### 2<sup>nd</sup> Address

**Tanner Musick  
3201 North Ohlman  
Mitchell, SD 57301**

**CASE NUMBER** SD09005-VS

**DUE ON OR BEFORE  
CONTACT  
PHONE**

November 30, 2010  
Deirdre Jarvis  
(301) 734-6169

DATE	CITATION	DESCRIPTION
		Part 88 – COMMERCIAL TRANSPORTATION OF EQUINES FOR SLAUGHTER
11 JAN 2009	9 CFR 88.4(a)(3)(ix)	<b>Requirements for transport:</b> Musick Livestock failed to document "Time Horses Loaded on Conveyance" on the VS Form 10-13 dated January 11, 2009 for Driver Dale Teibe.
	9 CFR 88.4(a)(3)(ix)	<b>Requirements for transport:</b> Musick Livestock failed to document "Time Horses Loaded on Conveyance" on the VS Form 10-13 dated January 11, 2009 for Driver David Becker.
23 FEB 2009	9 CFR 88.4(b)(4)	<b>Requirements for transport:</b> Musick Livestock failed to prepare another owner/shipper certificate after stopping for rest in Atkins, IL. Regulations require that a new form be completed for every rest stop/offloading during transportation and include the date, time and location of offloading.

**PENALTY** **\$300.00**

**TERM**

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

**Signature of Respondent:**

**Date:**



11-4-10

RECEIVED

340997 NOV 03 2010

T04A – Settlement Agreement  
7/1/09  
USDA MPLS.





**Musick Livestock & Tanner Musick**

**Felicia L Hubb** to: Timothy R Fordahl, Eric S Nickerson, Larry M Carson, David N Watson, lynn.tesar

10/26/2010 04:35 PM

From: Felicia L Hubb/MD/APHIS/USDA  
To: Timothy R Fordahl/CO/APHIS/USDA@USDA, Eric S Nickerson/CO/APHIS/USDA@USDA, Larry M Carson/MO/APHIS/USDA@USDA, David N Watson/IA/APHIS/USDA@USDA, lynn.tesar@sd.aphis.usda.gov

---

The subject case has been sent a Stip for \$300. Attached are the Settlement Letter and Cover Sheet. If you have any questions, please contact Deirdre Jarvis @ 301-734-6169. Thank You.

Thank You,  
Felicia L. Hubb  
Compliance Case Examiner  
Investigative & Enforcement Services  
4700 River Rd. Unit 85  
Riverdale, Maryland 20737  
301-734-6339 Voice  
301-734-4328 Fax  
Felicia.L.Hubb@aphis.usda.gov



SD09005 VS Stip Musick Livestock.doc



SD09005 VS Stip Musick Livestock cvr ltr.doc



# SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Musick Livestock  
c/o Tanner Musick  
3201 North Ohlmam  
Mitchell, SD 57301

2. Article Number  
(Transfer from service label)

7009 2250 0003 8770 6905

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

# COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

(b)(6) & (b)(7)c

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees \$

Postmark  
Here

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

Musick Livestock  
c/o Tanner Musick  
SD09005-VS

FOIA 11-240 PT-2.B 000025





OCT 26 2010

United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

Marketing &  
Regulatory  
Programs Business  
Services

4700 River Road  
Riverdale, MD  
20737

1<sup>st</sup> Address

Musick Livestock  
3201 North Ohlmam  
Mitchell, SD 57301

2<sup>nd</sup> Address

Tanner Musick  
3201 North Ohlmam  
Mitchell, SD 57301

**CERTIFIED MAIL  
RETURN RECEIPT**

Dear Sir(s):

Animal and Plant Health Inspection Service (APHIS) enforces regulations to protect the health and care of animals, plants, and agricultural industry. Violations of these regulations jeopardize the animal and plant health systems that are vital to protect American agriculture.

Our investigation shows that you have violated the United States Code of Federal Regulations as described on the enclosed Stipulation. APHIS laws and regulations provide for administrative and criminal penalties to enforce these regulatory requirements, including civil penalties of \$1,100 for the violations documented in our investigation.

The Secretary of Agriculture may, after providing notice and opportunity for a hearing, impose civil penalties or other sanctions. You may, however, waive your right to a hearing and settle this matter by paying \$300 by November 30, 2010, and signing the enclosed Stipulation.

Please pay the \$300 penalty by certified check or money order made payable to the Treasurer of the United States or go to [www.pay.gov](http://www.pay.gov) to pay by credit card. Write the Case Number (SD09005-VS) on your check or money order and mail it with the signed Stipulation to:

USDA, APHIS, (General) (SD09005-VS)  
P. O. Box 979043  
St. Louis, MO 63197-9000

If we do not receive your signed stipulation agreement and payment or notice that you wish to exercise your right to a hearing by November 30, 2010, this matter will be forwarded to the Department's Office of the General Counsel (OGC) for litigation. Please know that the penalty offered in this Stipulation represents a fraction of the civil penalty APHIS may seek should we refer this matter to OGC. You may contact our office at telephone number (301) 734-8684 if you have any questions.

Sincerely,

Sarah L. Conant  
Chief, Animal Health and Welfare Enforcement Branch  
Investigative and Enforcement Services

Enclosure

cc: T. Fordahl, IES, WR  
L. Carson, IES, WR  
D. Watson, IES, SD

L. Tesar, VS  
E. Nickerson, IES, WR

APHIS:IES:DJarvis:flh:734-6169:10/30/10:SD09005-VS Musick Livestock Sag Ltr.

TO3A SA Ltr Certified Rev 3 (4/10)



Safeguarding American Agriculture  
APHIS is an agency of USDA's Marketing and Regulatory Program

An Equal Opportunity Provider and Employer





Re: SD09005, Musick Livestock

Lynn A Tesar to: Deirdre A Jarvis

10/15/2010 02:51 PM

History:

This message has been replied to.

Hi Deirdre,

Yes, I concur with the proposed settlement agreement, below.

I apologize for the delay in response--- I thought I had responded in July, but I may have prepared a response in draft, and neglected to send it.

Thank you.

Lynn A. Tesar, DVM  
AVIC, S. Dakota  
USDA, APHIS, VS  
605-224-6186

Deirdre A Jarvis/MD/APHIS/USDA

10/18/2010  
OCT- OK to  
Process  
Thank



Deirdre A  
Jarvis/MD/APHIS/USDA  
10/15/2010 11:48 AM

To Lynn A Tesar/SD/APHIS/USDA@USDA  
cc

Subject Fw: SD09005, Musick Livestock

Hello there, I left a message in your office for you to return my call, it is about the email sent below.  
Thanks . . . . .

Deirdre A. Jarvis, Enforcement Specialist  
Animal Health and Welfare Enforcement Branch  
Investigative and Enforcement Services  
4700 River Road, Unit 85  
Riverdale, MD 20737  
Office 301-734-6169  
FAX 301-734-4328  
Deirdre.A.Jarvis@APHIS.USDA.GOV

Please be advised that the information contained in this email and the attachments involve an open investigative case. This material is for official use only and should not be released outside the Agency or duplicated without prior clearance from Investigative and Enforcement Services Staff.

----- Forwarded by Deirdre A Jarvis/MD/APHIS/USDA on 10/15/2010 12:47 PM -----

From: Deirdre A Jarvis/MD/APHIS/USDA  
To: Lynn A Tesar/SD/APHIS/USDA@USDA  
Cc: (b)(6), (b)(7)c /USDA@USDA  
Date: 07/07/2010 11:54 AM  
Subject: SD09005, Musick Livestock



Hello there, I have reviewed the subject case and will be issuing a \$300.00 stip for their involvement in exporting horses to slaughter in Canada with missing items on VS 10-13 forms, as well as not preparing a new VS 10 form after stopping in IL during transportation. If you are aware of any aggravating or mitigating factors that we have not already considered, please let me know by July 23, 2010. I have attached the settlement agreement and penalty worksheet for your review.



SD09005 Equines worksheet Musick Livestock.doc



SD09005 VS Stip Musick Livestock.doc

Per IES policy a response is required. I realize that the penalty seems rather low (given that they have a history of combined cases TX05153 and TX05258 for \$1,300, also attached), but once you review the attached penalty worksheet you will see that this is per the requirements. If you have any questions or comments, I can also be reached at (301) 734-6169. Thanks in advance.



TX05258 & TX05153- VS Revised Sag.doc

Deirdre A. Jarvis, Enforcement Specialist  
Animal Health and Welfare Enforcement Branch  
Investigative and Enforcement Services  
4700 River Road, Unit 85  
Riverdale, MD 20737  
Office 301-734-6169  
FAX 301-734-4328  
Deirdre.A.Jarvis@APHIS.USDA.GOV

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Deirdre A  
Jarvis/MD/APHIS/USDA  
07/07/2010 11:39 AM

To Lynn A Tesar/SD/APHIS/USDA,  
cc (b)(6), (b)(7)c S/USDA,  
bcc  
Subject SD09005, Musick Livestock

Hello there, I have reviewed the subject case and will be issuing a \$300.00 stip for their involvement in exporting horses to slaughter in Canada with missing items on VS 10-13 forms, as well as not preparing a new VS 10 form after stopping in IL during transportation. If you are aware of any aggravating or mitigating factors that we have not already considered, please let me know by July 23, 2010. I have attached the settlement agreement and penalty worksheet for your review.



SD09005 Equines worksheet Musick Livestock.doc



SD09005 VS Stip Musick Livestock.doc

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TX05258 & TX05153- VS Revised Sag.doc

Deirdre A. Jarvis, Enforcement Specialist  
Animal Health and Welfare Enforcement Branch  
Investigative and Enforcement Services  
4700 River Road, Unit 85  
Riverdale, MD 20737  
Office 301-734-6169  
FAX 301-734-4328  
Deirdre.A.Jarvis@APHIS.USDA.GOV

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## Investigative and Enforcement Services

USDA, APHIS, IES  
4700 River Road, Unit 85  
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Phone: (301) 734-8684  
Fax: (301) 734-4328

## Settlement Agreement

RESPONDENT:	
<u>1<sup>st</sup> Address</u>	<u>2<sup>nd</sup> Address</u>
<b>Musick Livestock 3201 North Ohlman Mitchell, SD 57301</b>	<b>Tanner Musick 3201 North Ohlman Mitchell, SD 57301</b>

CASE NUMBER SD09005-VS

DUE ON OR BEFORE  
CONTACT PHONE Deirdre Jarvis  
(301) 734-6169

DATE	CITATION	DESCRIPTION
11 JAN 2009	9 CFR 88.4(a)(3)(ix)	Part 88 – COMMERCIAL TRANSPORTATION OF EQUINES FOR SLAUGHTER <b>Requirements for transport:</b> Missing "Time Horses Loaded on Conveyance" on the VS Form 10-13 dated January 11, 2009 – Driver Dale Teibe
	9 CFR 88.4(a)(3)(ix)	<b>Requirements for transport:</b> Missing "Time Horses Loaded on Conveyance" on the VS Form 10-13 dated January 11, 2009 – Driver David Becker
23 FEB 2009	9 CFR 88.4(b)(4)	<b>Requirements for transport:</b> Failed to prepare another owner/shipper certificate after stopping for rest in Atkins, IL. Regulations require that a new form be complete for every rest stop/offloading during transportation that includes date, time and location of offloading .

**PENALTY** \$300.00

**TERM**

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Signature of Respondent:

Date:

T04A – Settlement Agreement  
7/1/09



EQUINE TO SLAUGHTER PENALTY WORKSHEET  
September 2005

(b)(5)

ate,  
"  
0



EQUINE TO SLAUGHTER PENALTY WORKSHEET  
September 2005

(b)(5)



Deirdre A  
Jarvis/MD/APHIS/USDA  
05/14/2010 12:15 PM

To [REDACTED] A/APHIS/USDA@USDA,  
cc  
bcc

Subject Re: Help with SD09005-VS Musick Livestock

See below ! please, please

Deirdre A. Jarvis, Enforcement Specialist  
Animal Health and Welfare Enforcement Branch  
Investigative and Enforcement Services  
4700 River Road, Unit 85  
Riverdale, MD 20737  
Office 301-734-6169  
FAX 301-734-4328  
Deirdre.A.Jarvis@APHIS.USDA.GOV

Please be advised that the information contained in this material is for official use only and is not to be duplicated without prior clearance from the Investigative and Enforcement Services Branch.

[REDACTED] Deirdre, I must be

[REDACTED] /APHIS/USDA

05/10/2010 05:07 PM

Heath Cert.

Is USDA rep at Canadian slaughter facility?

Who would have checked them at Border crossing into Canada?

~~Request from Joe's Abbing?~~

Interview - Truck drivers

Deirdre, I must be on your wanted list! I will answer your questions and will list them below:

1. No Health certificate is required for slaughter horses when going direct to slaughter (in the United States). A Health certificate is required when moving horses to Canada for feeding purposes along with a current negative EIA Test listed on the certificate. No, a Health Certificate (VS 17-140) is required for ALL ANIMALS EXPORTED
2. Most generally there is no statement/interview log from the slaughter facility. You are right, the only document that is sent from Canadian Slaughter Plants is the "Record of Movement of Horses for Slaughter from the USA" and sometimes this document is not included either. Please explain where you got exhibit 9 (6 pages). You have "received this document from [REDACTED]" endorsed on the back of this exhibit. It had to come from somewhere ((( the slaughter facility !!! ))) This form lists the VS 17-140 numbers, can you get these export papers. If I read this case correctly, how do we know it ever left the US other than the Canadian Slaughter facility receiving the animals ??? Right. This form also lists the seals placed, that would show it leaving the US/entering Canada, right ?
3. The Port Veterinarians conduct these inspections. Both USDA (USDA makes sure there are export papers only) and Canadian Veterinarians (do the Canadian side inspection) inspect the livestock upon arrival at the port before it is allowed to move any further into Canada. Horses are not unloaded at the port, so the port authorities use very tall ladders that move the full length of the transport vehicle to visually inspect the animals through the slats in the trailer sides. They check to make sure there is not any animals down in the trailer or animals that are not compatible with one another. If the trailer needs to be unloaded they are turned around (by who - the Canadians) and would have to return to the nearest facility that could accommodate this procedure. As far as I know their facilities up there are not equipped for this.
4. In some cases we might interview the drivers, but in this case Musick L/S is the transporter and [REDACTED]



[REDACTED] stated that he is responsible for the drivers and all his drivers were on the west coast at the time of the investigation, transporting feeder cattle.

I hope this helps you out. There is very little information that is mailed to IES from Canada to conduct an investigation. There should always be statement/affidavits, Photographs of all the violations pertaining to the horses should be included with disks. Clear copies of all documents should accompany the case to the investigator.

Thanks,

IES-IA

Deirdre A Jarvis

Hello there, I am reviewing the subject case and...

05/10/2010 09:17:41 AM



[REDACTED] /APHIS/USDA

05/10/2010 05:07 PM

To Deirdre A Jarvis/MD/APHIS/USDA

cc

bcc

Subject Re: Help with SD09005-VS Musick Livestock

Deirdre, I must be on your wanted list! I will answer your questions and will list them below:

1. No Health certificate is required for slaughter horses when going direct to slaughter. A Health certificate is required when moving horses to Canada for feeding purposes along with a current negative EIA Test listed on the certificate.
2. Most generally there is no statement/interview log from the slaughter facility. You are right, the only document that is sent from Canadian Slaughter Plants is the "Record of Movement of Horses for Slaughter from the USA" and sometimes this document is not included either.
3. The Port Veterinarians conduct these inspections. Both USDA and Canadian Veterinarians inspect the livestock upon arrival at the port before it is allowed to move any further into Canada. Horses are not unloaded at the port, so the port authorities use very tall ladders that move the full length of the transport vehicle to visually inspect the animals through the slats in the trailer sides. They check to make sure there is not any animals down in the trailer or animals that are not compatible with one another. If the trailer needs to be unloaded they are turned around and would have to return to the nearest facility that could accommodate this procedure. As far as I know their facilities up there are not equipped for this.
4. In some cases we might interview the drivers, but in this case Musick L/S is the transporter and Tanner Musick stated that he is responsible for the drivers and all his drivers were on the west coast at the time of the investigation, transporting feeder cattle.

I hope this helps you out. There is very little information that is mailed to IES from Canada to conduct an investigation. There should always be statement/affidavits, Photographs of all the violations pertaining to the horses should be included with disks. Clear copies of all documents should accompany the case to the investigator.

Thanks,

IES-IA

Deirdre A Jarvis

Hello there, I am reviewing the subject case and...

05/10/2010 09:17:41 AM

Deirdre A  
Jarvis/MD/APHIS/USDA

05/10/2010 09:11 AM

To Larry M Carson/MO/APHIS/USDA@USDA, [REDACTED]

cc [REDACTED] /IA/APHIS/USDA@USDA

bcc

Subject Help with SD09005-VS Musick Livestock

Hello there, I am reviewing the subject case and have a few questions:

- 1 Health Certificate to export animals ?
- 2 Is there a USDA rep. at the slaughter facility (NO) so would we have received a statement/interview log from someone at the Canadian facility? Or is the "Record of Movement of Horses for Slaughter from the USA" all that the Canadians would normally provide?
- 3 Who (USDA !!!) would have inspected the horses at the port prior to entering Canada ?
- 4 Would we interview the truck drivers ???

Canadians would sign-off on health Cert!



**UNITED STATES DEPARTMENT OF AGRICULTURE**  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
INVESTIGATIVE AND ENFORCEMENT SERVICES

**REPORT OF INVESTIGATION**

**Case Number:** SD09005-VS

**Subject(s):** Musick Livestock Co., LLC  
(Contact Information) 3201 North Ohlman  
Mitchell, SD 57301  
(605) 996-7813

**Registered Agent:**  
Tanner Musick  
3201 North Ohlman  
Mitchell, SD 57301  
(605) 996-7813

**Investigator:** (b)(6) & (b)(7)c  
(Contact Information) USDA, APHIS, IES  
Investigator  
2150 Centre Avenue, Bldg. B-3W10  
Fort Collins, CO 80526  
(970) 494-7485  
(641) 757-1428

**Date of Report:** 03/05/2010

- ☒ **Substantiated allegation(s)**
- ☐ **No violation(s)**
- ☐ **Insufficient evidence**
- ☐ **Fact finding**
- ☐ **Contains Confidential Business Information**

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This document and its contents are not to be distributed outside your agency, or duplicated, without prior consent from USDA APHIS Investigative and Enforcement Services.

☐ **Reviewer(s)** \_\_\_\_\_

**SYNOPSIS**

On 01/11/09 and 02/23/09 Musick Livestock, LLC (ML) did not complete VS Forms 10-13 (Owner/Shipper Certificate, Fitness to Travel to a Slaughter Facility) for equine exported to Canada. The Owner/Shipper Certificates , dated 01/11/09 & 02/23/09 were presented at a slaughter facility in Canada and did not meet the standards in 9 C.F.R. § 88. United States Department of Agriculture (USDA), Animal Plant Health Inspection Service (APHIS), Veterinary Services (VS) then requested an investigation into ML and was initiated by Investigative and Enforcement Services (IES) Investigator (b)(6) & (b)(7)c



**BACKGROUND**

**Subject(s) Information**

ML is a family owned livestock business and been in business for the past forty years. Tanner Musick is currently the owner of ML and is located at 3201 N. Ohlman Street Mitchell, SD 57301. ML is licensed in the State of South Dakota as a Livestock Dealer (# 8025). ML is incorporated in the State of South Dakota with a corporation number of DL003510 (Exhibits 1 & 2).

**Subject(s) Previous History**

*Prior Enforcement Actions*

Research of the IES Tracking System indicates the following cases for ML with in the past five years with the following actions taken:

TX05153-VS resulted in ML paying a stipulation of \$1300.00 on 05/08/05.

TX05258-VS resulted in ML not paying a stipulation on 05/08/05.

*Prior Adjudications*

N/A



**NARRATIVE****Basis for Investigation**

Joey Astling, Compliance Specialist, USDA, APHIS, VS, requested this investigation in a letter dated April 17, 2009 (stamped date) (Exhibit 3).

**Investigative Findings**

On 01/11/09, ML shipped two loads of slaughter horses to Natural Meats in Canada. One load consisting of 33 head of horses and the other load consisting of 37 head of horses. ML is required to complete a VS Form 10-13 for each group going direct to slaughter. The VS Form 10-13's were not fully completed by ML leaving the section "Time Horses Loaded on Conveyance" blank for each load. Required also is that all horses being shipped directly to slaughter must be officially identified. The VS Form 10-13's for both loads were completed in full by ML with official identification listed, but upon arrival at Natural Meats in Canada, Canadian Food Inspection Agency (CFIA) noted on the VS Form 10-13 for 33 head, noted on page 2, \*Missing 50% back tags\*. The VS Form 10-13 for 37 head, noted on page 2, \* No back tags visible on any colts\* (Exhibits 4 & 5).

On 02/23/09, ML shipped one load of slaughter horses to Norval Meats (formerly Natural Meats) consisting of 39 head and completed VS Form 10-13 as required for this movement (Exhibit 4).

On 02/24/09, CFIA completed a Canadian Form "Record of Movement of Horses for Slaughter from the USA". This form was completed at 2:00 P.M., the time of arrival of the ML load of slaughter horses to the slaughter facilities in Canada. This form indicated under the "Questions Section # 4" that numerous horses were missing back tags and were noted on the VS Form 10-13, dated 02/23/09, as a non-check mark beside the numbers on the left side of the document on pages 1 & 2 with a total of 26 horses missing tags upon arrival. It is also required by ML if offloading is required en route to the slaughtering facility, the owner/shipper must prepare another owner/shipper certificate. It was noted on the "Record of Movement of Horses for Slaughter from the USA" that a rest stop was made at Atkins, IL and a second set of a VS 10-13 was not completed to move the load of horses to the final destination in Canada as required. The form also made note of copies of the driver's log would be attached as collected documents. The month of February, 2009 spread sheet from the slaughtering facility was included indicating all arrivals to the plant with slaughter horses (Exhibits 6, 7, 8 & 9).

On 01/29/10, Tanner Musick of ML was interviewed at 3201 N. Ohlman Street Mitchell, SD 57301. IES presented all documents to ML and discussed all areas of concern regarding the alleged non compliance issues. An affidavit was presented to ML for review and after review ML would decide whether or not to sign this form. ML chose to prepare his own statement and provide any documentation along with his statement pertaining to the alleged violation. On 02/03/10 Investigator, [REDACTED] received ML's statement. ML states in this statement that all of the horses were back tagged and that he was present when they were tagged. The horses that had been transported were young horses and were tagged prior to loading, so they could have been rubbed off as to why the horses were missing tags at arrival at the slaughter plant. ML also stated that he has not sent any horses to Canada for approximately one year (Exhibit 10).



On March 11, 2010 a follow-up interview was conducted with ML verifying the identification that was stated in ML's statement dated 01/31/2010. Mr. Musick clarified what was meant in his statement that he was present at the time of the Official Identification was applied to each horse meant that he applied the official tags himself. He stated that he is always present when loading of the horses to document the identification markings to list them on the VS Form 10-13 prior to shipment and place the official tags on each horse (Exhibit 11).

These findings substantiate the following alleged violation(s):

**9 C.F.R. § 88.4 (a) (3) (ix) Requirements for transport.**

The regulation states that the date, time and the place the equine was loaded on the conveyance must be documented on the VS Form 10-13. This information was excluded from the forms, dated 01/11/09.

**9 C.F.R. § 88.4 (b) (4) Requirements for transport.**

The regulation states that if unloading is required en route to the slaughtering facility, the owner/shipper must prepare another own/shipper certificate and record the date, time and location where the offloading occurred. If this occurs both owner/shipper certificates must accompany the equine to the slaughtering facility. On 02/23/09, 39 head of horses on the ML transport vehicle stopped for offloading and did not prepare second VS 10-13 as required.

These findings indicate that the evidence does not support a violation of the following section(s):

**9 C.F.R. § 88.4 (a) (2) Requirements for transport.**

The regulation states that the owner/shipper must apply a USDA back tag to each equine in the shipment. Although CFIA did mark and initial the 10-13's that the horses in question did not arrive at unloading with a USDA back tag, photographs of the inside of the transport vehicle showing any evidence of tags and the horses in the pens showing evidence that the horses were not officially identified were not taken for verification. All equine are uniquely identified by color, sex and breed and could be identified by those characteristics to match the VS Form 10-13 as these characteristics are listed on the VS Form 10-13. Therefore the official identification cannot be verified if certain equine were identified or not.

**MITIGATING AND/OR AGGRAVATING FACTORS**

N/A

**ADDITIONAL INFORMATION**

A copy of Federal Motor Carrier Report showing status ML current transport vehicle information including current safety ratings (Exhibit 11).



<b><u>WITNESS LIST</u></b> <i>Provide First, MI and Last Name with Complete Address</i>		
<b>Name</b>	<b>Title</b>	<b>Address / Phone Number</b>
(b)(6) & (b)(7)c	USDA, APHIS, IES Investigator	2150 Centre Avenue Bldg, B-3W10 Fort Collins, CO 80526 (970) 494-(b)(6) & (b)(7) (641) 757-1428
Joey Astling	Compliance Specialist	New Braunfel TX, 78132 (817) 247-3204

**CASE REPORT DISTRIBUTION (cc)**

**Program Official(s)**

Dr. Lynn A. Tesar, Area Veterinarian in Charge  
USDA, APHIS, VS  
314S. Henry, Suite 100, P.O. Box 640  
Pierre, SD 57501  
(605) 224-6186, 6187

**IES Manager(s)**

Larry M. Carson, Area Manager  
USDA, APHIS, IES  
2150 Centre Avenue, Bldg. B-3W10  
Fort Collins, CO 80526  
(970) 494-7485  
(816) 518-5459

**CASE UPDATES**

**Program Official(s)**

Dr. Lynn A. Tesar  
USDA, APHIS, VS. Area Veterinary in Charge

**Primary Investigator**

David N. Watson  
USDA, APHIS, IES, Investigator

**IES Area Manager**

Larry M. Carson  
USDA, APHIS, IES, Area Manager, Great Plains Area

**IES Deputy Regional Director**

Eric Nickerson  
USDA, APHIS, IES, Deputy Regional Director

**IES Regional Director**

Timothy Fordahl  
USDA, APHIS, IES, Western Regional Director



<b><u>EXHIBIT LIST</u></b>			
<b>Exhibit #</b>	<b>Description</b>	<b>Date</b>	<b>Total Pages</b>
1	South Dakota Dealer License	06/30/10	1
2	ML Corporation Information	10/08/09	1
3	USDA, APHIS, IES Letter to Timothy Fordahl	04/17/09	1
4	VS Form 10-13 of ML	01/11/09	2
5	VS Form 10-13 of ML	01/11/09	2
6	VS Form 10-13 of ML	02/23/09	2
7	Canadian Form, Record of Movement of Horses for Slaughter from the USA	02/24/09	1
8	Driver's Daily Log	02/23/09	2
9	Monthly Arrival Spread Sheet to Plant # 418	02/02/09- 02/27/09	6
10	Statement of ML	01/31/10	1
11	Investigators Statement	04/06/10	1
12	USDOT Company Snapshot of ML	10/08/10	5

**SOUTH DAKOTA ANIMAL INDUSTRY BOARD**

**LICENSE**

**TO ENGAGE IN THE BUSINESS OF DEALING IN LIVESTOCK**

Is hereby granted MUSICK LIVESTOCK LLC  
RANDALL MUSICK  
Of 3201 N OHLMAN STREET MITCHELL South Dakota, for period ending  
JUNE 30 20 10 In consideration of proper application and payment of a

license of FIFTY dollars.

No. 8025

Dated at Pierre, South Dakota this 23  
day of JULY 20 09



Executive Secretary, Animal Industry Board

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE IN HOLDER'S PLACE OF BUSINESS

**South Dakota Livestock Dealer**

This Certifies that

Dealer: MUSICK LIVESTOCK LLC


RANDALL MUSICK

has been licensed by the South Dakota State Animal  
Industry Board to engage in the business of dealing  
in livestock: This license is valid until

JUNE 30, 2010

Agent: TANNER MUSICK

NO: 8025

  
State Veterinarian

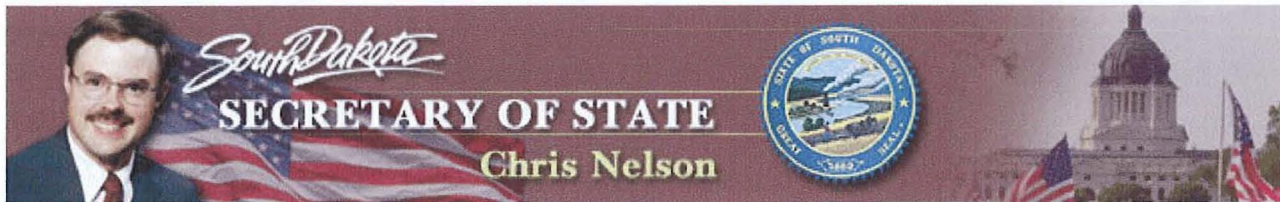
Dealer's Signature

Agent's Signature

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ON  
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[Office of the Secretary](#) | [Business Services](#) | [Elections & Voter Registration](#) | [Administrative Services](#) | [Home](#)

Enter corporate ID or search word(s)

Musick Livestock LLC

Search Businesses

Businesses Found: 1

Clear Criteria

This site uses Portable Document Format (PDF) to view documents



[Need help? Try the Help page](#)

[Click here to view listing of valid 2-letter business types](#)

#### Active Records

##### View

##### Business Documents

##### Corporation Name

DL003510 MUSICK LIVESTOCK, L.L.C.

[Collapse Actives](#)

[Inactive Records](#)

1 records

##### Last Annual Report

##### Corp Home Type State

##### Status

01/01/2009 LLC SD Good Standing

0 records

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APR 17 2009

United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

Marketing &  
Regulatory  
Programs Business  
Services

4700 River Road  
Riverdale, MD  
20737

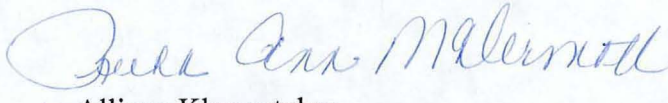
Subject: Request for Investigation – W-RI-146 Musick Livestock LLC

To: Timothy Fordahl  
Western Regional Director  
Investigative and Enforcement Services

Enclosed is a request for investigation from Mr. Joey Astling, Compliance Specialist VS-ASEP, New Braunfels, Texas. He is requesting an investigation of the numerous violations of 9 CFR, part 8 for Transport of Equine to Slaughter. Joey Astling is the requesting official and can be reached at 817-247-3704.

Please notify Enforcement Operations Branch, Document Control Section,  
Attn: Cbrock, of the assigned case number by email or regular mail within 10  
working days of receipt.

The completed investigative report should be submitted to IES Enforcement  
Operations Branch with a copy to the requesting official and the appropriate Staff and  
local program officials.

  
for Allison Khroustalev  
Chief, Enforcement Operations Branch  
Investigative and Enforcement Services

Enclosures





**OWNER/SHIPPER CERTIFICATE  
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**  
(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM  
APPROVED  
OMB NO.  
0579-0160

TIME HORSES LOADED ON CONVEYANCE	DATE 1-11-09	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE Mitchell S.D.
VEHICLE LICENSE NO. AND DRIVER'S NAME (b)(6) & (b)(7)c	NAME OF AUCTION/MARKET	
CONSIGNOR (OWNER/SHIPPER) NAME Musick Livestock L.L.C.	CONSIGNEE (RECEIVER/DESTINATION) NAME Natural Meats	
STREET ADDRESS 3201 N Ohlman	STREET ADDRESS 280354 Grey Rd, rr #3	
CITY, STATE, ZIP CODE Mitchell S.D. 57301	CITY, STATE, ZIP CODE Proctor Station Ontario Nac 160	
AREA CODE & TELEPHONE NO. 605-996-7813	AREA CODE & TELEPHONE NO. 519-923-6229	

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- ☒ Pregnant mares are not likely to foal (give birth) during the trip. ☒ Horses are able to bear weight on all 4 limbs. ☒ Horses are able to walk unassisted.
- ☒ Foals are older than 6 months of age. ☒ Horses are not blind in both eyes.

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld		
1	USCT	0598	✓							✓						✓		RH+LH Socks
2	USBP	3139						Dum ✓		✓				✓				Star Dead Eye
3	USCA	5348						Roan ✓		✓				✓			Y	Star
4	USCT	0566	✓							✓				✓				Star
✓ 5	USCA	5691						Roan ✓		✓				✓				Star LH+RH Sock
✓ 6	USCA	5343						Dum ✓		✓				✓				Star Strip Snp LH Sock
7	USCA	5349	✓							✓				✓				Star Strip LH Fetlock
8	USBP	3137						Dum ✓		✓				✓				Star Strip Snp LH Fetlock
9	USCT	0597						Roan ✓			✓			✓				Star
✓ 10	USCA	5692					✓			✓				✓				Star
✓ 11	USCA	5695					✓			✓				✓				Star strip Snp
12	USCA	5696						App ✓				App				✓		
✓ 13	USCA	5694					✓			✓				✓				Blaze RH+LH Sock RF Fetlock
✓ 14	USCA	5693					✓			✓				✓			1<<	Star Strip Snp LH+RH Sock
15	USCA	5350	✓							✓				✓				

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE.

SIGNATURE (b)(6) & (b)(7)c

I HEREBY AUTHORIZE THE CFIA TO DISCLOSE THIS DOCUMENT AND THE INFORMATION IN IT AS COMPLETED BY THE CFIA OR DGIF TO THE USDA. FALSIFICATION OF THIS FORM OR KNOWINGLY USING A FALSIFIED FORM IS A CRIMINAL OFFENSE AND MAY RESULT IN A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH (18 U.S.C. SECTION 1001).

SIGNATURE OF OWNER/SHIPPER (I certify that the information contained in this form is true and correct to the best of my knowledge.)

(b)(6) & (b)(7)c

**CANADIAN FOOD INSPECTION AGENCY (CFIA)**

EST. 418  
DATE Jan. 12/09  
TIME 2:30pm fl

DIRECTION GENERAL DE INSPECTION EN  
FROM

EST. 4  
DATE  
TIME  
Page 1 of 2  
APHIS FORM 7070 (MAR 95)

FOIA 11-240 PT-2.B. 000048

PAGE 1 OF 2



**OWNER/SHIPPER CERTIFICATE  
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**  
(Please type or print in ink)

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FORM  
APPROVED  
OMB NO.  
0579-0160

TIME HORSES LOADED ON CONVEYANCE	DATE 1-11-09	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE Mitchell S.D.
VEHICLE LICENSE NO. AND DRIVER'S NAME (b)(6) & (b)(7)c	NAME OF AUCTION/MARKET	
CONSIGNOR (OWNER/SHIPPER) NAME Musick Livestock L.L.C.	CONSIGNEE (RECEIVER/DESTINATION) NAME Natural Meats	
STREET ADDRESS 3201 N Ohlman	STREET ADDRESS 280354 Grey Rd. rr #3	
CITY, STATE, ZIP CODE Mitchell S.D. 57301	CITY, STATE, ZIP CODE Proton Station Ontario Noc 160	
AREA CODE & TELEPHONE NO. 605-996-7813	AREA CODE & TELEPHONE NO. 519-923-6229	

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- ☒ Pregnant mares are not likely to foal (give birth) during the trip. ☒ Horses are able to bear weight on all 4 limbs.  
☒ Foals are older than 6 months of age. ☒ Horses are not blind in both eyes. ☒ Horses are able to walk unassisted.

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include existing conditions
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld		
1	USCA	5751						Pal		✓						✓		Star Strip Sock
2		52						Ran		✓				✓				Star Strip L+R Hind Sock
3		53	✓							✓						✓		L+R Fore Fetlock Star Strip Sock LH+RH Sock
4		54					✓			✓				✓				Blaze LH Fetlock
5		55			✓					✓						✓		
6		56			✓					✓				✓				Star LH+RH Sock
7		57					✓			✓				✓				Star Strip 4 Socks
8		58					✓			✓						✓		Blaze
9		59						Ran		✓				✓				
10		60	✓							✓				✓				Star Strip Sock LH Sock
11		61						Paint								✓		Star Strip Sock
12		62						Paint						✓				Star Strip Sock 4 Socks
13		63	✓							✓				✓				Blaze LH Fetlock RF Sock
14		64					✓			✓						✓		Bald Face RH+LH+RF Sock
15		65	✓							✓				✓				

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE.

SIGNATURE

(b)(6) & (b)(7)c

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SIGNATURE OF OWNER/SHIPPER (I certify that the information contained in this form is true and correct to the best of my knowledge.)

(b)(6) & (b)(7)c

**CANADIAN FOOD INSPECTION AGENCY (CFIA)**

EST. 418  
DATE Jan. 12/09  
TIME 3:30pm

DIRECCION GENERAL DE INSPECCION EN  
FROM

EST. 5  
DATE  
TIME  
FOIA 11-240 PT-2-B-000050  
APHIS FORM 7070 (MAR 05)



**OWNER/SHIPPER CERTIFICATE  
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY  
(CONTINUATION SHEET)**

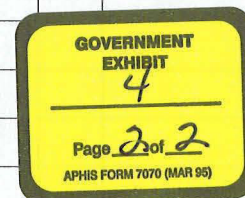
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OMB NO.  
0579-0160

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include precondition	
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld			
✓16	USCA	5341					✓			✓				✓				Wild Horse Brand	
✓17	USDL	8308		✓						✓						✓			Ster RF Fetlock
Jan. 13 18	USCA	5338						Pon		✓				✓					
19	USCA	5339					✓			✓				✓				✓	
20	USDL	8267			✓					✓						✓			RH Fetlock
21	USDL	8187						Paint								✓			
22	USDL	8309						App								✓			Ster RH+LH Sock LF Fetlock
23	USDL	8307					✓			✓				✓					Ster LH+RH Sock RF Fetlock
✓24	USDL	8209	✓							✓				✓					Ster Strip Sock RF Sock LF Fetlock
25	USDL	8165						Paint								✓			
26	USDL	8171	✓							✓				✓					Ster Strip Sock LH+RH Sock
✓27	USCA	5340					✓			✓				✓					Ster
28	USCA	5342					✓			✓				✓					
✓29	USCA	5344					✓			✓				✓					Ster Strip LH Fetlock
09/13 30	USCA	5345					✓			✓				✓					Ster Strip Sock
✓31	USCA	5346	✓							✓				✓					Ster Strip Sock LF Sock Dead Eye
32	USCA	5347					✓			✓						✓			Blaze RH Sock
✓33	USCA	5696					✓			✓						✓			RH Fetlock
34																			
35																			
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38																			
39																			
40																			
41																			
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44																			
45																			

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SIGNATURE OF OWNER/SHIPPER(I certify that the information contained in this form is true and correct to the best of my knowledge.)

(b)(6), (b)(7)(c)



**OWNER/SHIPPER CERTIFICATE  
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY  
(CONTINUATION SHEET)**

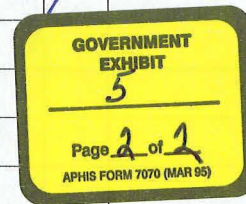
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0579-0160

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include precondition
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld		
16	USCA	5766						Rean		✓						✓		Ster Deed Eye
17		67						Point					Point	✓				Ster Snip 4 Socks
18		68	✓						✓							✓		LH Fetlock
19		69						Pal		✓						✓		Blaze LH Sock
20		70			✓				✓							✓		Ster 4 Sock
21		71					✓					App				✓		Blaze LH Sock
22		72					✓		✓							✓		Ster Strip Snip
23		73						Point				Point				✓		Ster 4 Socks
24		74	✓						✓				✓					Blaze
25		75	✓						✓							✓		Blaze RH Fetlock
26		76			✓				✓				✓					Ster LH+RH Socks
27		77					✓					App				✓		Blaze RH Socks
28		78					✓		✓				✓					Blaze LH+RH Sock
29		79	✓						✓				✓					
30		80	✓						✓				✓					
31		81			✓				✓				✓					Blaze 4 Socks
32		82						Point				Point	✓					Blaze 4 Socks
33		83					✓		✓				✓					Ster
34		84						Rean	✓				✓					Ster
35		85			✓				✓				✓					LH Fetlock
36		86		✓					✓				✓					Ster
37		87	✓						✓				✓					Ster
38																		
39																		
40																		
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43																		
44																		
45																		

\* No backtaps visible on any colts



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SIGNATURE OF OWNER/SHIPPER(I certify that the information contained in this form is true and correct to the best of my knowledge.)

(b)(6) & (b)(7)c



**OWNER/SHIPPER CERTIFICATE  
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY**  
(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM  
APPROVED  
OMB NO.  
0579-0160

TIME HORSES LOADED ON CONVEYANCE <b>1:45 A.m</b>	DATE <b>2-23-09</b>	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE <b>Mitchell S.D.</b>
VEHICLE LICENSE NO. AND DRIVER'S NAME <b>(b)(6) &amp; (b)(7)c</b>	NAME OF AUCTION/MARKET	
CONSIGNOR (OWNER/SHIPPER) NAME <b>Musick Livestock L.L.C.</b>	CONSIGNEE (RECEIVER/DESTINATION) NAME <b>(Nava) Natural Meats</b>	
STREET ADDRESS <b>3201 W. Ohlman</b>	STREET ADDRESS <b>280354 Gray Rd rr #3</b>	
CITY, STATE, ZIP CODE <b>Mitchell S.D. 57301</b>	CITY, STATE, ZIP CODE <b>Proton Station Ontario Nec 1 bo</b>	
AREA CODE & TELEPHONE NO. <b>605-996-7813</b>	AREA CODE & TELEPHONE NO. <b>519-923-6229</b>	

CHECK THE BOX THAT INDICATES THE FOLLOWING IS TRUE FOR ALL THE HORSES ON THIS CERTIFICATE

- ☒ Pregnant mares are not likely to foal (give birth) during the trip. ☒ Horses are able to bear weight on all 4 limbs. ☒ Horses are able to walk unassisted.
- ☒ Foals are older than 6 months of age. ☒ Horses are not blind in both eyes.

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE						SEX		BRANDS Tattoos, etc.	REMARKS Include existing conditions
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld		
1	USCA	5801					✓			✓						✓	Blaze L.H. & R.H. Sock RF Fetlock	
2	USCA	5802				✓						Paint					Bald H Socks	
3	USCA	5803					✓			✓						✓	Star Strip Snip L.H. R.H. Sock L.F. Fetlock	
✓ 4	USCA	5804				✓						Paint		✓			Star Strip Snip H Socks	
5	USCA	5805					✓			✓					✓		Star Strip Snip L.H. Sock L.F. Sock	
✓ 6	USCA	5806						Road		✓					✓	⬇	Star L.H. R.H. Fetlock Brand IF Shoulder	
✓ 7	USCA	5807	✓							✓						✓	Star Snip L.H. Sock	
8	USCA	5808					✓			✓						✓	Star R.H. Sock	
9	USCA	5809	✓									APP		✓			Star	
10	USCA	5810	✓							✓					✓		Bald H Socks	
✓ 11	USCA	5811	✓							✓						✓	Star Snip old Bear L.H. R.H. Socks L. Knee	
✓ 12	USCA	5812					✓			✓				✓			Star Strip Snip L.H. Sock L.H. R.H. Fetlock	
13	USCA	5813					✓					APP				✓	Blaze R.H. L.H. Sock	
14	USCA	5814						Pal		✓						✓	Dead Right eye Bald RF Fetlock	
15	USCA	5815			✓							Paint		✓			L.H. & R.H. Sock	

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOURS IMMEDIATELY BEFORE LOADING INTO CONVEYANCE.

SIGNATURE **(b)(6) & (b)(7)c**

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SIGNATURE OF OWNER/SHIPPER (I certify that the information contained in this form is true and correct to the best of my knowledge.)

**(b)(6) & (b)(7)c**

**CANADIAN FOOD INSPECTION AGENCY (CFIA)**

EST. **418**

DATE **Feb 24/09**

TIME **2:00pm**

**DIRECCION GENERAL DE INSPECCION EN  
FRONTERAS (DGIF)**

EST.

DATE

TIME

**GOVERNMENT  
EXHIBIT**

**6**

**142**

**FOIA 14-240 PT-2.B. 000052**

**APHIS FORM 7070 (MAR 05)**



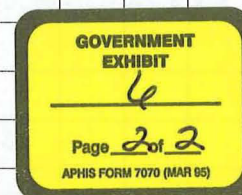
**OWNER/SHIPPER CERTIFICATE  
FITNESS TO TRAVEL TO A SLAUGHTER FACILITY  
(CONTINUATION SHEET)**

(Please type or print in ink)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0160. The time required to complete this information collection is estimated to average 5 min. per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM  
APPROVED  
OMB NO.  
0579-0160

	TAG PREFIX	Tag NO.	COLOR DESCRIPTION						BREED/TYPE					SEX			BRANDS Tattoos, etc.	REMARKS Include precondition
			Bay	Grey	Blk.	Pinto	Chestn	Other	TB	QT	Draft	Pony	Other	Mare	Stal	Geld		
16	USCA	5816					✓		✓							✓		Star Strip Snip LH Sock LF Fetlock
✓ 17	USCA	5817					✓		✓							✓		Blaze LH Fetlock
18	USCA	5818					✓		✓							✓		
19	USCA	5819					✓		✓					✓				Blaze LH Sock
✓ 20	USCA	5820					✓					APP				✓		Blaze LH Fetlock LF Sock
✓ 21	USCA	5821					✓		✓					✓				Star Strip Snip RH Fetlock LH Sock
✓ 22	USCA	5822					✓		✓							✓		Star Strip Snip LH Sock
23	USCA	5823	✓						✓					✓				Star Strip Snip LH Sock
✓ 24	USCA	5824						APP	✓					✓				LH Sock RH Fetlock
✓ 25	USCA	5825					✓		✓							✓		Blaze LH Sock
26	USCA	5826					✓		✓					✓				LH Fetlock
27	USCA	5827					✓					APP				✓		Star Strip Snip LH RH Sock
✓ 28	USCA	5828					✓		✓					✓				Blaze LH RH Sock LF Fetlock
29	USCA	5829					✓		✓					✓				Star LH RH Sock
30	USCA	5830					✓		✓					✓				Spot on head
31	USCA	5831	✓						✓							✓		Star Snip LH Sock LF Fetlock
32	USCA	5832					✓		✓					✓				Star LH Coronet
33	USCA	5833	✓						✓					✓				Star Snip RH Sock LF Sock
34	USCA	5834	✓						✓					✓				LH Sock
35	USCA	5835					✓		✓					✓				Blaze
✓ 36	USCA	5836	✓						✓					✓				LH RH Sock
37	USCA	5837	✓						✓							✓		Star RH Fetlock
38	USCA	5838	✓						✓					✓				Star LH Coronet
39	USCA	5839			✓				✓					✓				Star
40																		
41																		
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44																		
45																		



I HEREBY AUTHORIZE THE CFIA TO DISCLOSE THIS DOCUMENT AND THE INFORMATION IN IT AS COMPLETED BY THE CFIA TO THE USDA. FALSIFICATION OF THIS FORM OR KNOWINGLY USING A FALSIFIED FORM IS A CRIMINAL OFFENSE AND MAY RESULT IN A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH (18 U.S.C. SECTION 1001).

SIGNATURE OF OWNER/SHIPPER (I certify that the information contained in this form is true and correct to the best of my knowledge.)

(b)(6) & (b)(7)c



## Record of Movement of Horses for Slaughter from the USA

This attestation must be completed for every load/horse imported from the USA for slaughter at a Canadian Registered Establishment. Completed forms (original) should be kept on file in the establishment.

Date of arrival at the slaughterhouse (Establishment):

Feb 24/09

Time of arrival at the slaughterhouse (Establishment):

2:00pm

<b>Shipped from: (or attach copy of 10-13A)</b>	<b>Shipped to:</b>
Owner/Shipper Name: <u>Musich Livestock</u>	Establishment #: <u>418-</u>
Street Address:	Establishment Street Address: <u>RR2</u>
City/State/Zip Code:	City/Province/Postal Code: <u>Proton Stn Ont</u>
Area Code/Phone Number:	CFIA Telephone # at Establishment: <u>519-923-5521</u>

### Questions:

1. Was the load accompanied by a USDA vs form 10-13A ("Owner Shipper Certificate of Fitness to Travel to a Slaughter Facility")? ☒ Yes ☐ No
  2. Do the number of horses match the number indicated on the USDA origin health certificates and owner-shipper certificates? ☒ Yes ☐ No
  3. Do the descriptions of the horses match the descriptions indicated on the USDA origin health certificates and owner-shipper certificates? ☒ Yes ☐ No
  4. Did all horses arrive with identifications (back tags) in place? ☐ Yes ☒ No
- Numerous horses missing backtags- see non-check marked on VS-10-13.
5. Were all horses visual in at least one eye? ☒ Yes ☐ No
  6. Were all horses weight bearing on 4 limbs? ☒ Yes ☐ No
  7. Were all horses unshod (without shoes)? ☒ Yes ☐ No
  8. Were all horses free of severe injuries? ☒ Yes ☐ No
  9. Were the horses declared as horses "for immediate slaughter"? ☒ Yes ☐ No

### If the answer is NO to any of the above questions:

- A. Indicate how many horses are affected and provide a detailed physical description of the animal(s) including tag number (if available).
- B. Provide a copy of this report with the relevant 10-13A to:

Betty L Pearson VPS  
USDA, APMIS, VS, ASEP  
Equine Programs, Rm 4B 03.12  
4700 River Road, Unit 46  
Riverdale MD 20737  
Office Fax: 301-734-4982

Compliant  
10 animals (Heath of Animals Regulations- Part XII)?



(b)(6) & (b)(7)c

☒ Yes ☐ No

- C. Indicate what enforcement actions have been initiated, for example (INCR#)
- D. File a copy of this form along with the INCR.





# DRIVER'S DAILY LOG

(24 HOURS)

7 / 23 / 00  
(Month) (Day) (Year)

Original - File at home terminal  
Duplicate - Driver retains in his/her possession for eight days

653 653  
Total Miles Driving Today Total Mileage Today

Name of Carrier or Carriers

Main Office Address

Home Terminal Address

I certify these entries are true and correct:

Truck/Tractor and Trailer Numbers or  
License Plate(s) / State (show each unit)

Driver's Full Signature

Co-Driver's Name

1. OFF DUTY

2. SLEEPER  
BERTH

3. DRIVING

4. ON DUTY  
(NOT DRIVING)

REMARKS

SHIPPING  
DOCUMENTS:

B/L or Manifest No.  
or

Shipper & Commodity

From:

To:

Enter name of place you reported and where released from work and when and where each change of duty occurred.

USE TIME STANDARD AT HOME TERMINAL

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RECAP  
Complete at  
end of workday.

On-duty hours  
today, (Total  
lines 3 & 4)

70 Hour/  
8 Day  
Drivers

A.  
Total hours on  
duty last 7 days,  
including today.

B.  
Total hours  
available  
tomorrow.  
70 hr. minus A.\*

C.  
Total hours on  
duty last 8 days,  
including today.

60 Hour/  
7 Day  
Drivers

A.  
Total hours on  
duty last 6 days,  
including today.

B.  
Total hours  
available  
tomorrow.  
60 hr. minus A.\*

C.  
Total hours on  
duty last 7 days,  
including today.

\*If you took  
34 consecutive  
hours off duty,  
you have 6070  
hours available  
again.



GOVERNMENT  
EXHIBIT

Page 1 of 2  
APHIS FORM 7070 (MAR 99)





# DRIVER'S DAILY LOG

(24 HOURS)

2, 24, 09  
(Month) (Day) (Year)

Original - File at home terminal  
Duplicate - Driver retains in his/her possession for eight days

Total Miles Driving Today  Total Mileage Today

1-7

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct:

Name of Carrier or Carriers  
Mitchell SD

Main Office Address  
Mitchell SD

Home Terminal Address

Driver's Full Signature

Co-Driver's Name

RECAP  
Complete at end of workday.

On-duty hours today (Total lines 3 & 4)

70 Hour/8 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow, 70 hr. minus A.

C. Total hours on duty last 8 days, including today.

60 Hour/7 Day Drivers

A. Total hours on duty last 6 days, including today.

B. Total hours available tomorrow, 60 hr. minus A.

C. Total hours on duty last 7 days, including today.

\*If you took 34 consecutive hours of duty, you have 60/70 hours, including today.

1. OFF DUTY

2. SLEEPER BERTH

3. DRIVING

4. ON DUTY (NOT DRIVING)

REMARKS

SHIPPING DOCUMENTS:

B/L or Manifest No.

OR

Shipper & Commodity

From:

Enter name of place you reported and where released from work and when and where each change of duty occurred:

USE TIME STANDARD AT HOME TERMINAL.

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All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Date of Arrival	Time of Unloading/ Total Transit time	#r of Horses/ Owner/ Origin	VS10-13 Complete?/ Note errors	VS 17-140 Number? Note errors	CFIA 1506 & 4206 present? Seals intact?#	Transport Company/ Driver	Slaughter Date	Note comments re: HT violations, Condition of horses, reference to INCR #, etc.
Feb. 2/09	14:00 14 hrs.	31 [REDACTED] Sugarcreek Ohio	No 34 horses on VS10-13, received 31 Missing 20 backtags out of 31. Description errors on 3 of 20 tags.	H51998 34 horses on VS17-140, rec'd 31	Yes, 412189  101427, 084859, 084860	Sugarcreek Livestock [REDACTED]	Feb. 2-(15) Feb. 3-(16)	One colt lying down on arrival. Got up, no lameness. One Bay horse, weak in hind end sent to slaughter. (B. Sidibe/Betty T. Rec'd.) 1 condemned- Melanoma
Feb. 2/09	14:00 15.5 hr.	26, [REDACTED]	No Missing time of loading, vehicle lic., driver name, place where loaded. Check boxes not completed. 30 animals on VS10-13, rec'd 26. 1 backtag (USET 4864) on VS17-140 but not on VS10-13 Wrong consignee: [REDACTED]	E21850 Wrong consignee: [REDACTED]	Yes, 412190 101428-101430	LFT Transport [REDACTED]	Feb. 2-(2) Feb. 3-(24)	One horse, Backtag 1102-Significant proud flesh, LH, Front leg injury-sent to slaughter. One horse, Backtag 4875-Multiple cuts on head and legs. 2 condemned- Pneumonia, Melanoma 1 condemned-Positive STOP test.
Feb. 3/09	15:30 22 hr.	40 [REDACTED]	Yes, All tags in place, all match.	F47912	Yes, 412270 101445-101446	Kurtenbach Transport [REDACTED]	Feb. 4-(40)	
Feb. 4/09	15:20 12hr.	30 [REDACTED]	No Wrong consignee [REDACTED] Check boxes not completed.	E21802 Wrong consignee: Wolesly, SK	Yes, 412274 101453-101455	LFT Transport [REDACTED]	Feb. 4-(1) Condemned on Ante, 1 Downer at Lucan Feb 5-(28)	Load first presented at border Feb. 3- Refused entry due to no capacity at Est. 418. Returned to Peck, Mi. Feb. 4 reloaded at 4 am. Through border at 6:30am. Manfred Loerzel called at 10:00am, horse down on trailer and was stopping at Lucan. Vet from London District Office dispatched to assess. Horse euthanized and removed. Load resealed and sent to Est. 418. 1 horse condemned on Antemortem at plant at 4:00pm due to colic. Missing 2 tags. Rest all match. INCR 418-2009-02-04-E21802





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Date of Arrival	Time of Unloading/ Total Transit time	#r of Horses/ Owner/ Origin	VS10-13 Complete?/ Note errors	VS 17-140 Number? Note errors	CFIA 1506 & 4206 present? Seals intact #	Transport Company/ Driver	Slaughter Date	Note comments re: HT violations, Condition of horses, reference to INCR #, etc.
Feb. 5/09	13:00 31 hours	29 [REDACTED]	No, No time of loading or date. (Driver Logs copied) 1 horse- blind in both eyes. USEA 2866. -see comments for VS17-140.	F46994 -3 horses with backtags received NOT on certificate- USEA2871-Blk/Wht Pinto USEA2872- Chestnut Appy USEA2873-Grey Percheron -3 horses with no backtags- cannot match descriptions on two. Blk/wht Pinto Cremello or White -1 horse with torn backtag- USEA231?- Chestnut, must be either USEA 2312, 2313, or 2314 on cert., but all are described as Bays. Of the 21 horses on the certificate with "correct" backtag numbers listed, the descriptions are wrong on 9.	412285 Yes, 101462	HD Voss [REDACTED]	Feb. 5-(19) Feb. 6-(4) Feb. 10-(6)	Driver Log copied [REDACTED] 1 horse- USEA2866-Blind in both eyes, not segregated. 6 horses held in barn until Monday due to VS17- 140 errors. 1 horse not on certificate (USEA2871) killed on Feb. 5 and held in cooler jail. INCR??
Feb. 5/09	18:20 8 hours	32 [REDACTED] Paynesville, MN	No City and state where horses loaded not completed. VS10-13 states loaded 9:45 Feb. 3/09. Drivers logs copied. Horses unloaded fed and watered at Peck, Mi.	F46984 4 descriptions wrong. Ie. 2 Draft marked as QH, 2 Geldings marked as Mares. Missing 3 tags- descriptions on horses with missing tags match those remaining on certificate.	412289 Yes, 101464	Joe Simon Transport [REDACTED]	Feb. 6-(32)	Load first presented at border Feb. 4-Refused entry due to no room. Driver unloaded at Peck, Mi. For feed and water until 10:00am Feb. 5. All horses arrived, good condition. 3 horses missing tags, but descriptions match. 1 condemned- Melanoma
Feb. 6/09	13:15 6 hours	27, [REDACTED] Peck, MI	No Consignee wrong. Missing check boxes. Missing 6 backtags- descriptions on horses with missing tags match those remaining on certificate..	E16872 Wrong consignee [REDACTED] Missing 6 backtags- descriptions on horses with missing tags match those remaining on certificate..	412293 Yes, 101468- 101470	LFT Transport [REDACTED]	Feb. 6-(19)	One horse down in 2 <sup>nd</sup> compartment on arrival. Got up when unloading. One horse with laceration of LF below carpus - USET4963, killed immediately. Partition gate of trailer had blood over both sides, opening in middle of partition area of entrapment. Cables along walls of trailer loose.(INCR 418-2009-E16872)





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Date of Arrival	Time of Unloading/ Total Transit time	#r of Horses/ Owner/ Origin	VS10-13 Complete?/ Note errors	VS 17-140 Number? Note errors	CFIA 1506 & 4206 present? Seals intact #	Transport Company/ Driver	Slaughter Date	Note comments re: HT violations, Condition of horses, reference to INCR #, etc.
Feb. 9/09	3:00pm 17 hours	27 [REDACTED]y, Rushville, IN	No. Descriptions don't match horses. Missing 6 tags.	<b>K00732</b> Total for 32 animals. <b>Descriptions wrong for 12/21 tags received.</b> 6 animals with no tags (including 4 in back compartment identified as separate lot?)	412303 Yes, 101484,101485, 101486	LFT Transport [REDACTED]	Feb. 10- (27)	Driver informed that 2 horses had gone down before border. Unloaded all at Peck, Mi., got the 2 up and reloaded. Also had 4 "rodeo broncs" in rear. 4 Broncs had no tags or evidence of tags. One bay horse weak in hind, was put in suspect pen.
Feb. 10/09	12:30pm 12.5 hours	27 [REDACTED] Sugarcreek, OH	Yes, Tags and descriptions match. Missing 6 tags-descriptions on horses with missing tags match those remaining on certificate..	J3332 Only tags and breeds listed, no colors. Tags match VS 10-13 and animals received.	412312 Yes, 101489, 084863, 084864	Sugarcreek Livestock [REDACTED]	Feb. 10- (14) Feb. 11- (13)	
Feb. 10/09	6:20pm 8.5 hours	26 [REDACTED] Rushville, IN	Yes Cannot tell prefix on VS10-13, poor writing. 6 tags missing. Description wrong on 2	<b>K00729</b> Wrong tag prefix on certificate. Tags are USFD, listed on VS17- 140 as USDS Description wrong on 2 tags.	412319 Yes, 101500-502	LFT Transport [REDACTED]	Feb. 11- (26)	28 Originally loaded at Rushville, In. On Feb. 6, refused entry at border. Went to Peck, Mi. For weekend. Refused entry again on Feb. 9, went back to Peck. 1 dead in pen. Reloaded 26 horses on Feb. 10 for Est. 418. Stopped at Teviotdale, 1 horse had hoof out side of trailer.
Feb. 11/09	4:15pm 10.5hr	36 [REDACTED] Paynesville, MN	NO Held up at Sarnia for 1 hour while VS10-13 corrections obtained. Original VS10-13 from Paynesville time crossed out and redone. Not showing when stopped over weekend at Peck, Mi. Missing 7 tags, descriptions match except for 3.	F46985 Cert. For 40 horses. Descriptions match mostly.  Tags match.	412323 Yes, 101507, 101508, 101509	LFT Transport, [REDACTED]	Feb. 12- (36)	Loaded at Paynesville, Mn on Feb. 8 at 5:00am. Unloaded and spent weekend at Peck, Mi. Reloaded at 8:00am Feb. 11, but VS10-13 did not indicate this correctly. Held up at border. 40 horses on VS10-13. Missing 7 tags.
Feb. 12/09	36 hours (Rest stop)	33 [REDACTED] Mitchell, SD	No Held up at border for 3 hrs. Paperwork incomplete for rest stop made in Iowa.	H28345 Tags and descriptions match 7 tags missing, descriptions match remaining.	412330 Yes 101515, 101516	Musick Transport [REDACTED]	Feb.12-23) Feb.13- (10)	Loaded at Mitchell, 2:30am-Feb.11. Rest stop at Walcott, Iowa. 4 Draft in front compartment, not enough head room. Measurements taken, pictures, CFIA 5200 Driver Logs copied.





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Date of Arrival	Time of Unloading/ Total Transit time	#r of Horses/ Owner/ Origin	VS10-13 Complete?/ Note errors	VS 17-140 Number? Note errors	CFIA 1506 & 4206 present? Seals intact #	Transport Company/ Driver	Slaughter Date	Note comments re: HT violations, Condition of horses, reference to INCR #, etc.
Feb. 12/09	4:00pm 8 hrs from reload at Peck, MI	28 [REDACTED] Paynesville, MN	No, original VS10-13 made by owner-shipper when originally loaded has been changed by transporter who took over the load after a rest stop made at Peck, Mi.	K22596 30 animals on certificate. 1 died, 1 left at rest stop. 7 descriptions do not match actual horses rec'd. Missing 7 backtags (including 2 horses left behind).	412332 Yes, 101520, 101521	Original transporter from Paynesville to Peck, MI unknown  [REDACTED] LFT Transport	Feb. 13- (28)	30 Horses originally loaded at Paynesville, MN by Jack Hennen on Feb. 10 at 1:00am. Transported by HD Voss Trucking to Peck, Mi. Unloaded at Feb. 10 at 8:30am at Peck. Stayed until Feb. 12. 1 died in pen, 1 left at Peck. Reloaded on Feb. 12 at 8:00am to go to Est 418 by LFT Transport. LFT driver whited out original load time, date, driver info on VS10-13 and replaced with new load time, date, driver and Licence No. Consignee on VS10-13 is listed as Wolseley, SK. 7 descriptions of horses received do not match those on docs. Handwriting noted on backs of tags removed from horses. Descriptions written on back of tags is description entered on certs. (Tags placed on wrong animals after certs made?)
Feb. 14/09	5:45pm 10.75 hr.	28 [REDACTED] Peck, MI	Yes,	E21811  Consignee [REDACTED]	412343 Seals 101529-101531	LFT Trucking  [REDACTED]	Feb. 16- (28)	All tags present, All tags and descriptions match.
Feb. 16/09	9:06 pm	36 [REDACTED] Paynesville, MN	No, No VS10-13 from Paynesville, MN where horses originally loaded. Only from Peck, Mi. Rest stop. 42 horses on VS10-13, only 36 arrived. Missing 13 backtags. One backtag torn, prefix is USEA, all rest are USDQ on VS10-13.	F46986 42 horses on cert. Only 36 arrived. One animal rec'd with USEA backtag, not on certificate.	412353 Seals 101548-101540	Original transporter from Paynesville to Peck, MI unknown.  [REDACTED] LFT Trucking from Peck, MI	Feb. 17- (36)	VS10-13 completed by [REDACTED] Paynesville, MN for 42 horses. No date, or time of loading for origin. VS10-13 indicates loaded from Peck, Mi. On Feb. 16, at 3:30pm. Only 36 horses on load. 6 horses left at rest stop?

Page 4 of 4  
APHS FORM 7070 (MAR 09)  
GOVERNMENT EXHIBIT 9

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Date of Arrival	Time of Unloading/ Total Transit time	#r of Horses/ Owner/ Origin	VS10-13 Complete?/ Note errors	VS 17-140 Number? Note errors	CFIA 1506 & 4206 present? Seals intact #	Transport Company/ Driver	Slaughter Date	Note comments re: HT violations, Condition of horses, reference to INCR #, etc.
Feb. 17/09	6:35pm  7 hrs	30 [REDACTED] Peck, MI	Yes, Check boxes not checked. Consignee Natural meats, Whitewood, SK?? All tags and descriptions match. 1 tag missing	E21810 All tags and descriptions match. Consignee [REDACTED]	412365 Yes, 101566-101568	LFT Transport [REDACTED]	Feb. 18/09 (30)	NAF
Feb. 18/09	8:30pm 25.5hrs.	40 [REDACTED] Lawler, IA	Yes, All tags present and match descriptions	F47955 All tags present and match descriptions.	412372 Yes, 101585, 101586, 101587	[REDACTED] Transport Ltd. [REDACTED]	Feb. 19- (40)	NAF All in good condition, tags present and match descriptions.
Feb. 19/09	1:25pm 7.5 hrs.	28 [REDACTED] Peck, MI	Yes, Missing 7 tags, All descriptions match. Consignee Whitewood, SK?	E21815 Consignee- Wolsely, SK?	412376, Yes, 101594, 101595, 101596	LFT Transport [REDACTED]	Feb. 19- (28)	NAF, Load originally came from [REDACTED] Was refused because descriptions wrong, Health certificate redone. All tags match and descriptions. Missing 7 tags, but descriptions of remaining match. 1 draft horse- abrasions over eye. 1 bay horse, favoring LH when unloaded-on PM has extensive bruising of hip. Hip removed.
Feb. 20/09	Unloaded 8:30am dt weather.	29 J. [REDACTED] Peck, MI	Yes, All tags, but one present, all descriptions match. Consignee- Whitewood, SK?	E21817 Consignee- Wolsely, SK?	412388, Yes, 101606-607-608	LFT Transport [REDACTED]	Feb.20- (29)	Refused entry at Sarnia yesterday- 1 down. Returned to Peck, removed downer (USET 6131) and reentered at 17:30pm. Arrived at Est. 418 at 1:00am. Severe weather, so no one to return and unload until 8:00am. Unloaded at 8:30am. All horses OK, 1 horse- USET6131-BCS 1, Condemned for Serous Atrophy of Fat.

GOVERNMENT  
EXHIBIT  
9  
Page 5 of 6  
APHIS FORM 7070 (04/01/00)

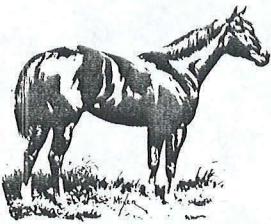


All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Date of Arrival	Time of Unloading/ Total Transit time	#r of Horses/ Owner/ Origin	VS10-13 Complete?/ Note errors	VS 17-140 Number? Note errors	CFIA 1506 & 4206 present? Seals intact #	Transport Company/ Driver	Slaughter Date	Note comments re: HT violations, Condition of horses, reference to INCR #, etc.
Feb. 20/09	2:00pm 8hr.	26 [REDACTED] Peck, MI	Yes, Complete, All tags present, descriptions match Consignee: Natural Meats, Whitewood, SK?	E21818 Consignee-Natural Meats, Wolsely, SK. Descriptions and tags match.	Yes, 412392 Seals-101612, 101613, 101614	LFT Transport, [REDACTED]	Feb. 23- (25)	1 found dead in barn on Feb. 23 am. USET 6159- Paint QH. Hemorrhage from nostrils, hemorrhagic and hyperemic mucous membranes. Samples sent to Lethbridge Lab.
Feb. 23/09	1:25pm 7.5 hr.	30 [REDACTED] Peck, MI	No, Check boxes not completed. 3 tags missing on horses. All descriptions match except one (USET 6103-Blk not Bay). Consignee- Natural Meats, Whitewood, SK?	E21814 Consignee-Natural Meats, Wolsely, SK. Descriptions and tags match.	Yes, 412405, Seals 101635- 101637	LFT Transport [REDACTED]	Feb. 24- (30)	2 condemned.
Feb. 24/09	2:00pm 36 hr.	39 Musick Livestock, SD	Yes, Rest stop for 10 hrs., not indicated.	G55222	412418 Seals, 101649	Musick Livestock [REDACTED]	Feb. 25- (39)	Driver logs copied to verify rest stop. Colts tagged on face, 26 out of 39 missing.
Feb. 25/09	1:00pm 35hr.	32 Musick Livestock, SD	Yes,	G55223	412430 Seals, 101668- 101669	Musick Livestock, [REDACTED]	Feb. 25- (32)	USCA5706 -Chestnut horse, BCS1-Condemned on Postmortem, Emaciation, Serous Atrophy. Missing 3 tags. All tags and descriptions match with paperwork.
Feb. 26/09	10:45pm	26 [REDACTED] Peck, MI	Yes, Complete, All tags present, descriptions match Consignee: Natural Meats, Wolsely, SK (Proton Stn. In brackets)	E21823 Consignee- Natural Meats, Wolsely, SK Tags and descriptions match.	412446 Seals- 101678- 101679-101680	LFT Transport [REDACTED]	Feb. 27- (26)	1 condemned- melanoma 1 thin horse 1 horse-old injury LH
Feb. 27/09		26 [REDACTED] Peck, MI	No, Check boxes not completed. Tags all present. 5 descriptions not match. Consignee: Wolsely, SK.	E21824 Consignee- Natural Meats, Wolsely, SK	412451 Seals- 101690- 101691-101692	LFT Transport [REDACTED]	Feb. 27- (26)	







## MUSICK LIVESTOCK CO.

3201 North Ohlman  
Mitchell, South Dakota 57301

HORSES BOUGHT DAILY – LIVESTOCK TRUCKING

TELEPHONE  
OFF. 605-996-7813  
RES. 605-996-3748

January 31, 2010

All redactions on this page are pursuant to (b)(6) & (b)(7)(c).

Our family has been in the livestock business for the past forty years and I am presently the owner of Musick Livestock, LLC located at 3201 N Ohlman Street, Mitchell, SD 57301. I am licensed in the State of South Dakota as a Livestock Dealer (#8025) as well as North Dakota and Montana. I am incorporated in the State of South Dakota with a number of DL003510.

I met with Mr. [REDACTED] who identified himself as an investigator with the United States Department of Agriculture, Animal Plant Health Inspection Service, Investigative and Enforcement Services about the two movements of 33 & 37 head of horses that were listed on VS Form 10-13's dated 01/11/09, and a movement for 39 head of horses that were listed on a VS Form 10-13 dated 2/23/09.

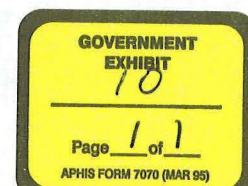
In both incidents I was present when the above mentioned horses were back tagged. Every horse was tagged at Musick Livestock, LLC prior to loading and transporting to Norval Meats in Ontario, Canada. Approximately, a year and half ago I spoke with border inspector, [REDACTED] in Port Huron, Michigan. He informed me that in case back tags were lost or chewed off by other horses while transporting a written description of the horse along with the tag number would be sufficient. Since that time we have included a written description of every horse and the tag number on the VS Form 10-13 that leaves our premises. The above mentioned horses would have also had the description of each on the VS Form 10-13.

These two loads in question were younger horses that came off a feed lot and sat in a holding pen for two days while waiting for transportation paperwork. During this waiting period young horses have tendency to play, rub against feeders, bite each other, etc and this could be the explanation as to why a tag was missing or found on another horses nose.

As you can see we have tried to make every effort to abide by all regulations and have not had any incidents in over four years. To date we have not sent any horses into Canada for approximately a year.

[REDACTED]  
Tanner Musick, Owner  
Musick Livestock, LLC

1-31-2010



FOIA 11-240 PT 2.B. 000063



**Investigators  
Statement  
USDA, APHIS, IES**

NAME AND ADDRESS OF PERSON(S)  
CONTACTED:  
Musick Livestock Co., LLC  
3201 North Ohlman  
Mitchell, SD 57301

DATE:  
March 11, 2010

TYPE OF INTERVIEW (BY PHONE OR IN PERSON): <b>By Phone</b>	ORGANIZATION: <b>Musick Livestock Co., LLC</b>	TELEPHONE NUMBER: <b>( 605) 996-7813</b>
SUBJECT: Follow-up contact regarding issue of tagging horses destined for a Canadian Slaughter Plant.		LOCATION OF INTERVIEW: <b>Home Office</b>
<p>SUMMARY:</p> <p>On March 10, 2010 I contacted Musick Livestock Co., LLC located at 3201 North Ohlman Mitchell, South Dakota 57301 and left a message for a return call. On March 11, 2010 I received a return call from Tanner Musick and he agreed to discuss the tagging issue as stated in his statement.</p> <p>Mr. Musick stated in his statement that he was present during the tagging of the horses that were shipped on 01/11/2009. Mr. Musick was asked if he meant that someone other than himself tagged the horses for this shipment and he was only there to witness the tagging. He stated that what he meant in his statement was that he tagged all of the horses for that shipment and tags all the horses himself on most occasions. He stated that he is always present when horses are assembled for shipment so correct identification markings are included on the VS Form 10-13 to send with the driver as required.</p> <p>Mr. Musick was also asked if a second set of VS Form 10-13's were found in records as they might have been left out of transport packet for the driver. He stated that he did not find the second set of documents that are required if a stop is made during the transporting of slaughter horses where the horses are unloaded for rest, food and water.</p> <p>I thanked Mr. Musick for his return call to me and appreciated his candor when answering all questions presented to him.</p>		
NAME OF PERSON DOCUMENTING INTERVIEW:  Investigator USDA, APHIS, IES	SIGNATURE:  (b)(6) & (b)(7)c (b)(6) & (b)(7)c  USDA, APHIS, IES	DATE:  March 6, 2010





☐ USDOT Number ☐ MC/MX Number ☒ Name

Enter Value:

## Company Snapshot

**MUSICK LIVESTOCK L**

USDOT Number: 844

### ID/Operations | [Inspections/Crashes](#) | [Safety Rating](#) | [Insurance](#)

**Carriers:** If you would like to update the following ID/Operations information, please complete and submit form [MCS-150](#) which can be obtained [online](#) or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's [DataQs](#) system.

#### Other Information for this Carrier

[SafeStat Results](#)

[Licensing &](#)

[Insurance](#)

**Carrier and other users:** FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance than what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#) or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to [SAFER General Help](#).

The information below reflects the content of the FMCSA management information systems as of 10/06/2009.

<b>Entity Type:</b>	Carrier		
<b>Out of Service (Interstate Only):</b>	No	<b>Out of Service Date:</b>	None
<b>Legal Name:</b>	MUSICK LIVESTOCK LLC		
<b>DBA Name:</b>			
<b>Physical Address:</b>	3201 NORTH OHLMAN STREET MITCHELL, SD 57301		
<b>Phone:</b>	(605) 996-7813		
<b>Mailing Address:</b>	3201 NORTH OHLMAN STREET MITCHELL, SD 57301		
<b>USDOT Number:</b>	844	<b>State Carrier ID Number:</b>	
<b>MC or MX Number:</b>		<b>DUNS Number:</b>	—
<b>Power Units:</b>	5	<b>Drivers:</b>	6
<b>MCS-150 Form Date:</b>	03/26/2009	<b>MCS-150 Mileage (Year):</b>	230,000 (2008)
<b>Operation Classification:</b>			





Auth. For Hire <input checked="" type="checkbox"/> Exempt For Hire Private(Property) Priv. Pass. (Business)	Priv. Pass.(Non-business) Migrant U.S. Mail Fed. Gov't	State Gov't Local Gov't Indian Nation
<b>Carrier Operation:</b>		
<input checked="" type="checkbox"/> Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
<b>Cargo Carried:</b>		
General Freight Household Goods Metal: sheets, coils, rolls Motor Vehicles Drive/Tow away Logs, Poles, Beams, Lumber Building Materials Mobile Homes Machinery, Large Objects Fresh Produce	Liquids/Gases Intermodal Cont. Passengers Oilfield Equipment <input checked="" type="checkbox"/> Livestock <input checked="" type="checkbox"/> Grain, Feed, Hay Coal/Coke Meat Garbage/Refuse US Mail	Chemicals Commodities Dry Bulk Refrigerated Food Beverages Paper Products Utilities Agricultural/Farm Supplies Construction Water Well

### [ID/Operations](#) | [Inspections/Crashes](#) | [Safety Rating](#) | [Insurance](#)

Inspection results for 24 months prior to: **10/06/2009**

Total inspections: **10**

**Note:** Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to [Inspections](#) for further information.

#### **Inspections:**

Inspection Type	Vehicle	Driver	Hazmat
<b>Inspections</b>	<b>1</b>	<b>10</b>	<b>0</b>
<b>Out of Service</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Out of Service %</b>	<b>0%</b>	<b>10%</b>	<b>0%</b>
<b>Nat'l Average % (2007- 2008)</b>	33.33%	9.09%	4.76%

Crashes reported to FMCSA by states for 24 months prior to: **10/06/2009**

#### **Crashes:**

Type	Fatal	Injury	Tow	Total
------	-------	--------	-----	-------



Crashes	0	0	0	0
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[ID/Operations](#) | [Inspections/Crashes](#) | [Safety Rating](#) | [Insurance](#)

*The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.*

**Carrier Safety Rating:**

The rating below is current as of: **10/06/2009**

**Review Information:**

Rating date:	11/26/2001	Review Date:	11/16/2001
Rating:	Satisfactory	Type:	Compliance Review

[ID/Operations](#) | [Inspections/Crashes](#) | [Safety Rating](#) | [Insurance](#)

For the most current information on the status of operating authority and insurance for this carrier, go to the [FMCSA Licensing & Insurance site](#).

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## SafeStat Online

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Oc  
Cont

US DOT #: 844 Carrier Name: MUSICK LIVESTOCK LLC Carrier Operation: INTERSTATE

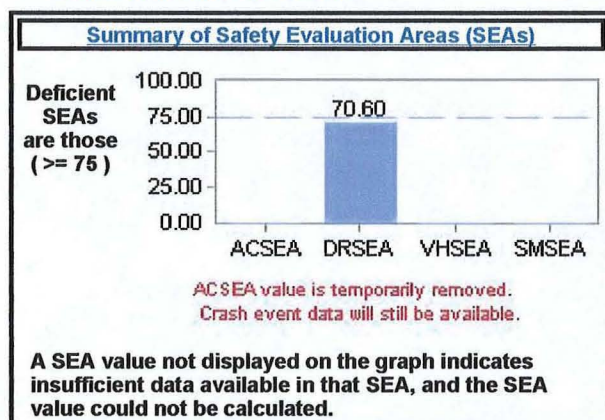
### Carrier Information

[How do I corre](#)

The October 06, 2009 SafeStat Release contains **Carrier Information** as of September 25, 2009, which is the date of the latest SafeStat n website.

Carrier Name	MUSICK LIVESTOCK LLC	DBA	
Address	3201 NORTH OHLMAN STREET MITCHELL, SD 57301	Mailing Address	
Telephone/Fax	(605) 996-7813/(605) 996-3748	Email	
Number of Power Units	5	Number of Drivers	6
		Transports or Ships HM	
Date of Last MCS-150 Update	3/26/2009	Date of Last FMCSA Review	11/16/2001

### SafeStat Information



### Performance vs. Available Data

#### Data Groups

**Performance Groups** [1] Extensive [2] Moderate [3] Minimal

[1] All SEAs less than 50

[2] No Deficient SEAs  
(All Below 75)

[3] 1 Deficient SEA  
(One Above 75)

[4] 2+ Deficient SEAs  
(SafeStat Score)

*\* Specific SafeStat information has been temporarily removed.*

\* Specific SafeStat information has been temporarily removed, [click here](#) for

### SafeStat Calculation

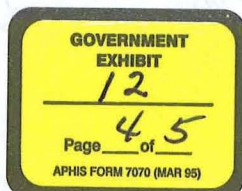


$$\text{SafeStat Score} = 2 \times \text{Accident SEA Value} + 1.5 \times \text{Driver SEA Value} + \text{Vehicle SEA Value} + \text{Safety SEA Value}$$

*	*	70.6	Insuf. Data	1
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\* Specific SafeStat information has been temporarily removed, [click here](#) for details.

SafeStat calculates a SafeStat score to rank carriers in descending order by their safety. The carrier with the highest SafeStat score is the first ranked carrier in terms of poor safety. SafeStat does not assign SafeStat scores to all carriers. To obtain a SafeStat Score, a carrier must have at least two different Safety Evaluation Areas (SEAs). SEA values range from 0 (best) to 100 (worst). A SEA with a value from 75 to 100 is defined as deficient (highlighted in BOLD type). SEAs with values less than 75 are not used in the calculation of a SafeStat Score.



**CAUTION:** Please verify important data before relying on SafeStat results. Inaccurate out-of-date normalizing data can result in SafeStat results that do not accurately reflect a motor carrier's safety status.



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