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February 20, 2015

VIA UPS NEXT DAY MAIL

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Ladies/Gentleman:

On April 17, 2014, and June 17, 2014, we sent you correspondence with detailed background and affidavits regarding the enforcement of the Horse Protection Act ("HPA") and the regulations previously adopted by the United States Department of Agriculture under the authority granted it by the HPA and specific behavior and actions by the USDA Veterinary Medical Officers ("VMOs"). We also sent a letter to Secretary Vilsack regarding the Agency's application of the HPA and the continuing issues with his VMOs improperly implementing the HPA. To date we have received no response from either of your offices or the Secretary. Furthermore, we are sorry to report, nothing has changed.

At the recent SHOW Designated Qualified Persons ("DQPs") training on January 16-17th, 2015, Dr. Baker admitted that he has not been following the HPA or the stated USDA inspection protocol in his inspections or in the training he has provided for at least four years, that has so often been confirmed by the USDA. Please see the enclosed transcript from the January, 2015 training. Specifically, he admitted he has not trained inspectors to attempt to flatten out the skin to determine if the tissue is uniformed thickened epithelium if an alleged scar is identified.

As both your offices have been informed, as the USDA has been continually informed and as has now been verified by the VMO himself, the continuing actions of the VMOs over the last several years are improper and not in accordance with the HPA and its Regulations. Given the continuing nature of these actions, the threats of Letters of Warnings ("LOWs") to DQPs and Owners/Trainers for what is clear now are illegally identified scar violations, such actions are contrary to law and outside the scope of the VMOs' responsibilities.

The USDA has consistently stated the requirement of attempting to flatten the skin to determine if "what appears to be a scar is uniformly thickened epithelium" is not a scar. Specifically, this inspection protocol was put in place to ensure that normal changes to the skin from the friction of the action device or other changes to the skin that occur naturally are not improperly deemed an illegal scar violation. The USDA and its VMOs are required to follow this inspection protocol to ensure the due process rights of owners and exhibitors in determining whether a tissue change is allowed or not allowed.

Unfortunately, according to Dr. Baker, this is not the actual practice. As reflected in the enclosed transcript, at the January, 2015 training session, Dr. Baker admitted on several occasions the USDA protocols were not being followed:

1. UNIDENTIFIED SPEAKER "If you had a fold of skin and you flattened it out and you didn't feel anything there and that ridge flattened out, it was compliant. If it didn't flatten out, it's not compliant. **That's where we started in 2010.**"

Dr. BAKER. "**That's not how USDA was doing it at the time....and it's not what we were trained on then.**" (Page 26 lines 12-24, emphasis added).

2. DR BAKER: "From the definition of this regulation, which we've been trained to, we talk about a granuloma which is – the granuloma tissue, it's a fairly distinctive – they are fairly distinctive in the manner that **they're visible**. They're fairly distinctive. They have that pattern. They're localized lesions caused by an inflammatory process. That's how we're taught. **We routinely don't press that thing open or press it like that**, because **I don't think** you get a good representation of what that is. You can press anything flat or smooth." (Page 27, lines 14-24, emphasis added).

3. UNIDENTIFIED SPEAKER: "**So there is no smoothing or there is?**"

Dr. BAKER "**We don't routinely do it because we found it doesn't help. The physical, visual, physical examination, run our thumb perpendicular, we look at them and that's how we determine if it's a scar rule.**"

UNIDENTIFIED SPEAKER: "So the VMOs don't try to flatten them? I mean you look at it.."

DR. BAKER "We don't have – **in our standard operating procedures we don't go to that detail as far as take your two thumbs, spread it out and see if it's smooth. We don't go to that detail.**" (Page 28, lines 1-8, 11-16, emphasis added).

4. UNIDENTIFIED SPEAKER: "Inspectors – tell me if this is true or false. Inspectors are instructed to spread the skin on the pastern to determine if what appears to be a scar is uniformly thickened epithelium, Are we still true there? ... Dr. Baker?"

Dr. BAKER "**We don't have that in our standard operating...**" (Page 30, lines 6-15, emphasis added).

5. UNIDENTIFIED SPEAKER "...who instructs you?"

Dr. BAKER "Dr. Cezar, Dr. Turner." (Page 42 lines 21-22).

These statements are consistent with the affidavits and letters that have so often been sent to the USDA since 2009. Dr. Baker's statements and the findings by the VMOs over the years of scar violations where none were found by other veterinarians, including renowned equine specialists and equine clinics, is again consistent with what the Tennessee Walking Horse industry has been stating – the USDA is improperly finding scar violations where none exist and using the scar rule to retaliate, and illegally profile and target individuals to the economic and reputational harm of numerous individuals. As we previously pointed out, any de facto

modifications of the Regulations promulgated under the HPA without complying with the Administrative Procedures Act is improper.

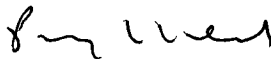
We have attached all previous communications on this matter. As is abundantly clear, the USDA has totally ignored all statements and indications that their inspectors are not only improperly inspecting but identifying violations where none exist. These purported violations of the HPA and Regulations have been used to mislead Congress and others about the compliance of the TWH industry with the HPA. Even more egregious these alleged violations have been used to affect suspensions of owners and trainers alike as well as tainting the reputations of numerous individuals who have been improperly identified as soring a horse. It is also clear that the USDA has responsibility for the illegal violations since, as Dr. Baker stated in January, the training was approved by Dr. Cezar and Dr. Turner.

Based upon all of the above we demand that all scar violations by any USDA inspector over the last 5 years be immediately withdrawn and expunged from the record. In addition any suspension, disqualification and record of any scar violation needs to be immediately reversed and any fines refunded.

Representatives of the TWH industry will also be informing several members of Congress of the continued actions of the USDA, as well as its well-documented attempts over the last several years to identify these actions. We believe the manner in which the USDA and its VMOs have manipulated training, inspections, and enforcement of the HPA is an embarrassment not only to the USDA but also to every individual that participated in the TWH industry who has exhibited compliant horses. We respectfully request a prompt and complete investigation regarding all the above.

Sincerely,

GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.



Phillip L. Kunkel

Enclosures