



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

OCT 29 2008

Julie Caramante

Dear Ms. Caramante:

This is in response to your November 17, 2005, Freedom of Information Act (FOIA) request for information, dated from January 1, 2005, to November 17, 2005, pertaining to the Beltex Corporation's horse slaughter plant. Specifically, you requested violations of the "Commercial Transport of Equines to Slaughter Act" and any subsequent penalties assessed. Your request was received in this office on November 17, 2005, and assigned case number FOIA 06-108. We apologize for the delay of this response.

Enclosed on a CD-ROM are 906 pages of responsive records. However, information has been withheld under FOIA Exemption 6, 5 U.S.C. § 552(b)(6). This exemption protects information from disclosure when its release would cause a clearly unwarranted invasion of personal privacy. This same information has also been withheld under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). This exemption protects from disclosure records or information compiled for law enforcement purposes when its release could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We are withholding nine pages in their entirety under FOIA Exemptions 6 and 7C, 5 U.S.C. § 552(b)(6), (b)(7)(c). These pages include one hand-written affidavit and an eight-page personal summary report.

You may appeal our denial determination. If you choose to appeal, your appeal must be in writing and must be received at the following address within 45 days of the date of this letter.

Administrator
Animal and Plant Health Inspection Service
Ag Box 3401
Washington, D.C. 20250-3401

Please refer to FOIA 06-108 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, provide specific reasons why you believe modification of the determination is warranted.

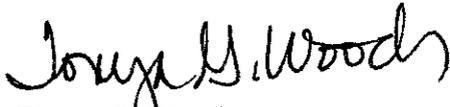
Julie Caramante
FOIA 06-108

2

Also contained on the CD-ROM is rp505enu.exe, which is a free copy of Adobe® Acrobat® Reader™ needed to view the responsive records. By opening rp505enu.exe and following the on-screen instructions, you will install Adobe Reader. After the installation, Adobe Reader should render the PDF files correctly.

Because the cost to process your request is less than \$25.00, the fee has been waived. If you have any questions, please contact Ms. Glendora Gilchrist of my staff at (301) 734-0601.

Sincerely,



Tonya G. Woods
Director
Freedom of Information & Privacy Act
Legislative and Public Affairs

Enclosure



11/22/2005 08:04 AM

To

cc

bcc

Subject TX05136-VS

Beltex Corp has been sent a stip for \$1,250 and Attached are copies of the Settlement Agreement questions, please contac

has been sent an Official Warning.

APHIS 7060 and Cover Letters. If you have any

Thank you.



TX05136-VS Ltr Beltex Corp.doc



tx05136(Beltex).doc



tx05136



doc TX05136-VS 7060 Ltr

Investigative and Enforcement Services
Riverdale MD

12/28/05



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Marketing &
Regulatory
Programs Business
Services

4700 River Road
Riverdale, MD
20737

Beltex Corporation
3801 N. Grove
Fort Worth, TX 76106

NOV 21 2005

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.

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 \$1,250 by December 23, 2005 and signing the enclosed Stipulation.

Please pay the \$1,250 penalty by certified check or money order made payable to the Treasurer of the United States. Write the Case Number (TX05136-VS) on your check or money order and mail it with the signed Stipulation to:

USDA, APHIS, (General) (TX05136-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 December 23, 2005, this matter will be forwarded to the Department's Office of the General Counsel for litigation. The penalty offered in this Stipulation is not relevant to the sanctions APHIS may seek, or that will be assessed after issuance of a formal complaint. You may contact our office at telephone number (301) 734-8684 if you have any questions.

Sincerely,

Enforcement
Investigative and Enforcement Services

Enclosure
cc:

Dr. J. Diemer, AVIC, TX

APHIS:IES

1/21/05 TX05136-VS Beltex Corp



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Program
An Equal Opportunity Provider and Employer

Investigative and Enforcement Services

Settlement Agreement

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

RESPONDENT:

 Beltex Corporation
 3801 N. Grove
 Fort Worth, TX 76106

CASE NUMBER TX05136-VS
DUE ON OR BEFORE December 23, 2005
CONTACT PHONE

DATE	CITATION	DESCRIPTION
04 APR 05	9 CFR 88.4(b)(2)	<p>Requirements for transport.</p> <p>Beltex Feedlot shipped 34 horses to Ft. Worth, TX for slaughter. During transport, one horse continued to lie down in the trailer and veterinary assistance from an equine veterinarian was not obtained.</p>

PENALTY \$1,250

TERMS

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

You may waive your right to a hearing and agree to pay the specified civil penalty in settlement of this matter. If you do not agree to the specified penalty, a complaint shall be issued charging you with the violation(s) and seeking higher penalties. You will have the opportunity for a hearing before an Administrative Law Judge to present your case.

I acknowledge that I have been given an opportunity for a hearing and waive such hearing. I neither admit nor deny the violations cited above and agree to pay the civil penalty in full settlement of this matter.

Signature of Respondent:

Date:

PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative



NOV 1 5 2005

United States Department of Agriculture

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Animal and Plant Health Inspection Service

Marketing & Regulatory Programs Business Services

4700 River Road Riverdale, MD 20737

Dear

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

The enclosed APHIS Form 7060, "Official Warning, Violation of Federal Regulations", is being issued to you for alleged violations of Federal Regulations.

This notice is being issued at this time as a serious warning that if you fail to comply with APHIS laws and regulations in the future, this citation and all past and future documented violations will be used to justify a more severe penalty.

If you have questions regarding this citation please contact Enforcement Specialist, at the address above or at

Sincerely,

Investigative and Enforcement Services

Enclosure

CC:

APHIS:IES

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.

COMPLETE THIS SECTION ON DELIVERY

A. Signature

- Agent
- Address

Date of Delivery

11/30/05

1? Yes

No

If YES, enter delivery address

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

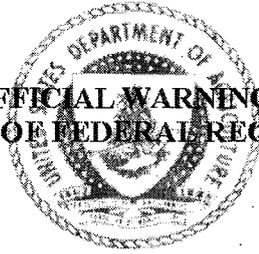


Safeguarding American Agriculture APHIS is an agency of USDA's Mark

An Equal Opportunity Provider and E

2. Arti (Tr

**OFFICIAL WARNING
VIOLATION OF FEDERAL REGULATIONS**



State, Zip Code)

The Department of Agriculture has evidence that on or about April 4, 2005, you or your organization committed the following violation of Federal Regulations:

9 CFR 88.4(b)(2) Requirements for transport.

Transported 34 horses to Beltex Corporation for slaughter. During transit, one horse continued to lie down in the trailer and veterinary assistance from an equine veterinarian was not obtained.

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL (Name, Title)

Investigative and Enforcement Services

SIGNATURE

DATE ISSUED

NOV 21 2005

OFFICE ADDRESS:

4700 River Rd., Unit 85
Riverdale, MD 20737

TELEPHONE NO.

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:



11/03/2005 11:18 AM

To
cc
bcc

Subject TX05136-VS Beltex Corp

We have reviewed the subject case and will be issuing a stipulation in the amount of \$1,250 and a warning notice. If you are aware of any aggravating or mitigating factors we have not already considered in our decision, please let me know by Nov 17. If we do not hear from you, we will proceed with our planned enforcement action.

Settlement agreement and warning notice are attached.



tx051:



loc tx05136(Beltex).doc

*no reply from
program*

*TO: DCT 11-17-05
js*

USDA APHIS IES
4700 River Road, Unit 85
Riverdale, MD 20737

e-m
Tel:
Fax

****Please be advised that the information contained in this e-mail and the attachments involves an open 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.**



July 29, 2005

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Investigative and
Enforcement Services

150 Centre Ave.,
Bldg. B-3W10
Fort Collins, CO
9526-8116

970/494-7485
970/494-7487 (fax)

To: USDA, APHIS, VS
903 San Jacinto Blvd., Thornberry Bldg.,
Austin, TX 78701

From: ES Investigator
2150 Centre Ave., Bldg. B-3W10
Ft. Collins, CO 80526

Enclosed please find investigative case report no. TX05136-VS involving Beltex Corporation of Fort Worth, Texas, and [redacted] of Levelland, Texas.

The case was initiated after [redacted] inspected a shipment of slaughter horses being transported to Beltex Corporation by Beltex Corporation. One of the horses was down upon arrival in Fort Worth; the horse was unable to stand to be unloaded and was subsequently euthanized.

A statement from [redacted] shows that the horse went down twice en route to Beltex Corporation and he was able to get the horse up. The horse went down a third time approximately 40 miles from Beltex Corporation and he was unable to get the horse up. At no time did Beltex Corporation or [redacted] contact an equine veterinarian for assistance.

The IES Tracking System shows no prior history for [redacted] Beltex Corporation received a ticket for IES Case #TX05031-VS, and has two other open cases with IES (TX05163-VS & TX05105-VS).

Contacts in this case include:

- [redacted] Austin, TX,
- Dr. Jose R. Diez, VS Regional Director, Ft. Collins, CO, (970) 494-7385
- Tim Fordahl, IES Regional Director, Ft. Collins, CO, (970) 494-7499
- [redacted] Austin, TX

The original case file has been forwarded to IES Headquarters Staff for review. If you have any questions or concerns, or need further explanation regarding this report, please feel free to contact me by phone at [redacted]

Investigator, Texas
Investigative & Enforcement Services

cc: [redacted]
ES, Riverdale, MD
Austin, TX

Handwritten notes:
12/1/05
closed

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
INVESTIGATIVE AND ENFORCEMENT SERVICES
WESTERN REGION
FORT COLLINS, CO

REPORT OF INVESTIGATION

Violator 1: **Beltex Corporation**
3801 N. Grove
Fort Worth, TX 76106
Texas Incorporation #0037959100
Telephone no. (817) 624-1136

Violator 2:

Case Number: TX05136-VS

Violation(s): 9 CFR, §88

Investigator:

c/o USDA, APHIS, IES
2150 Centre Ave., Bldg. B-3W10
Ft. Collins, CO 80526
Telephone number

Date of Report: July 29, 2005

FOR OFFICIAL USE ONLY

This document and its contents are not to be distributed
outside your agency, nor duplicated, without prior consent
from USDA, APHIS, Investigative and Enforcement Services.

Handwritten:
07/29/05

SYNOPSIS

Violator

Information: **Violator 1** - Beltex Corporation is a meat processing company in Fort Worth, Texas; meats processed include horse, pork, and bison, among others. Beltex Corporation also owns a feedlot in Morton, Texas, and it is called Beltex Feedlot. Horses arrive at the feedlot to be fed out and are subsequently shipped to Fort Worth for processing. Beltex Corporation has been incorporated in Texas since 1976; incorporation number 0037959100. and owner of Beltex Corporation, and

Violator 2 - is a private person who was a for Beltex Corporation, ne nas since quit driving for Beltex Corporaouon due to insurance complications. His present occupation is unknown, as he was not available for an interview during this investigation.

Previous History:

Violator 1 - The IES Tracking System shows Beltex Feedlot received a ticket in IES Case number TX05031-VS, and has two other open cases; TX05163-VS & TX05105-VS.

Violator 2 - The IES Tracking System shows no prior violations.

Violation Events:

On 04/04/05, Beltex Feedlot shipped 34 horses to Beltex Corporation in Fort Worth, Texas, for the purpose of slaughter. En route to the slaughter plant, one horse continued to get down on the trailer, neither Beltex Corporation nor attempted to get veterinary assistance for the horse. It arrived at Beltex Corporation unable to stand and was subsequently euthanized.

EXPLANATION OF THE EVIDENCE

9 CFR

April 04, 2005

§88.4(b)(2)

Violators 1 & 2 Requirements for transport.

Beltex Feedlot shipped 34 horses to Beltex Corporation, in Fort Worth, Texas, for the purpose of slaughter. During transit, one horse continued to lie down in the trailer; the owner/shipper failed to obtain veterinary assistance from an equine veterinarian as evidenced by:

Exhibit 1 – VS Form 10-13, Owner/Shipper Certificate Fitness to Travel to a Slaughter Facility, dated 04/04/05. Document shows 34 horses being shipped to Beltex Corporation from Beltex Feedlot,

Exhibit 2 – APHIS Form 7162, Affidavit of _____ dated 05/10/05. _____ states that one horse was down on the trailer after all other horses had been offloaded at Beltex Corporation, the horse was unable to stand up and was subsequently euthanized.

Exhibit 3 – Facsimile statement submitted by _____ dated 06/17/05. _____ states that the horse in question was weak at the time of loading, and that he had to get the horse up twice en route. _____ also states that the horse went down once more and he could not get it up.

Exhibit 4 – APHIS Form 7162, Affidavit of _____ dated 07/20/05. _____ states that _____ called her three times while en route to Beltex Corporation to inform her that one horse was continuing to go down, she states that she also told him to continue on after the horse was down and couldn't get up.

Exhibit 5 – Digital photographs taken by _____ at Beltex Corporation, dated 04/04/05. Photographs show the horse that continued to go down on the trailer; photographs were taken after the horse was euthanized, head injury is from euthanasia.

OTHER EVIDENCE

Exhibit 6 – Business Summary Report for Beltex Corporation, document was acquired from an internet search.

Exhibit 7 – Person Summary Report for [REDACTED] document was acquired from an internet search.

WITNESS LIST

USDA
903 San Jacinto Blvd.
Thornberry Bldg.
Austin TX 78701

**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 11:30	DATE 4-4-05	CITY AND STATE WHERE HORSES WERE LOADED ON CONVEYANCE Morton, Texas
STREET ADDRESS Beltex Feedlot 2180 County Rd. 120		NAME OF AUCTION/MARKET
CITY, STATE, ZIP CODE Morton, Texas 79346		CONSIGNEE (RECEIVER/DESTINATION) NAME Beltex Corporation
AREA CODE & TELEPHONE NO. (806) 525-4221		STREET ADDRESS 3801 N. G-rove
		CITY, STATE, ZIP CODE FORT WORTH, TEXAS 76106
		AREA CODE & TELEPHONE NO. (817) 624-1136

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	USBL	401					/						/	/					
2	USBL	402						BLW					/	/					
3	USBL	403					/						/	/					
4	USBL	404					/						/	/					
5	USBL	405					/						/	/					
6	USBL	406	/										/	/					
7	USBL	407					/						/	/					
8	USBL	408					/						/	/					
9	USBL	409					/						/	/					
10	USBL	410					/				/			/					
11	USBL	411					/				/			/					
12	USBL	412	/										/	/					
13	USBL	413					/						/	/					
14	USBL	414	/										/	/					
15	USBL	415					/						/	/					

HORSES HAVE HAD ACCESS TO FOOD, WATER, AND REST FOR A MINIMUM OF 6 CONSECUTIVE HOUR

SIGNATURE

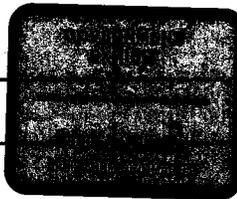
OWNER/SHIPPER

INFORMATION IN THIS CERTIFICATE IS FALSE 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).

I certify that the information in this form is true and correct to the best of my knowledge.

CANADIAN FOOD INSPECTION AGENCY (CFIA)

EST. _____
DATE _____
TIME _____



received
this document from IES WR office
on 05/04/05.

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

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

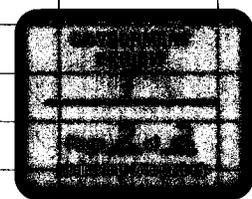
(Please type or print in ink)

	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	USBL	417					/						/	/				
17	USBL	418						DM		/				/				
18	USBL	419				/							/	/				
19	USBL	420	/										/	/				
20	USBL	421					/						/	/				
21	USBL	422						BN					/	/				
22	USBL	423	/										/	/				
23	USBL	424	/					/					/	/				
24	USBL	425					/						/	/				
25	USBL	426																
26	USBL	428	/										/	/				
27	USBL	451					/			/				/				
28	USBL	452	/										/	/				
29	USBL	453				/	/						/	/				
30	USBL	454	/										/	/				
31	USBL	455	/										/	/				
32	USBL	456	/										/	/				
33	USBL	457					/						/	/				
34	USBL	458					/						/	/				
35	USBL	416				/							/	/				
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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).

€

n is true and correct to the best of my knowledge.)



P/u 4/4/05 @ Deltex

From

1- Down on Arivel
Knocked on trailer @ 11am
Photos

received
this document from LES WR office
on 05/04/05

AFFIDAVIT

I being duly sworn on oath make the following statement:

I make the following voluntary statement to [redacted] who has identified himself to me as an Investigator for the U.S. Department of Agriculture, Animal & Plant Health Inspection Service, Investigative and Enforcement Services.

My name is [redacted]

As part of my assigned duties, I inspect slaughter horses at Beltex Corporation, in Ft. Worth, Texas. Beltex Corporation has a horse feedlot in Morton, Texas, and ships slaughter horses to the plant in Ft. Worth on a routine basis, they meet the qualifications of a commercial transporter of slaughter horses.

On 04/04/05, Beltex Feedlot delivered a shipment of slaughter horses to Beltex Corporation. The truck that delivered the horses had "Beltex Corporation" on the door, the VS Form 10-13 that accompanied the horses showed [redacted] as the truck driver, and the truck license plate was [redacted]

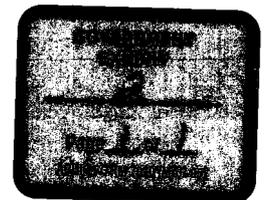
I arrived at the Beltex plant at approximately 8:30 a.m. on 04/04/05, as I was walking up they were unloading the horses on the shipment; I thought all the horses were unloaded at this time. Apparently, they left one horse on the trailer and pulled back into the plant at approximately 10:45 a.m. (the same morning) to unload it, this one horse was down on the trailer and we euthanized it at 11 a.m. I did not see any injuries on the horse; it was just down in the trailer and couldn't get up.

I received the VS Form 10-13 from the truck driver and forwarded it to IES. I did take photos of the horse and will get the photos to [redacted] I am having trouble with my computer and digital camera and can't get the pictures printed or copied to a disk at this time.

I have been offered an opportunity to make changes or delete information from this statement that may be inaccurate. I am making this statement freely and without duress, reward, or promises of reward being offered. I understand that this is a sworn affidavit, and I have read the 1 page and swear that the information contained therein is true to the best of my knowledge and belief. END

[redacted]
erford, Texas

On this 4th day of May, 2005.



Privacy Act Notice

Title 5, United States Code, Section 552a(e)(3) requires that each agency that maintains a system of records provide each individual from whom the agency solicits information with the following information.

Authority for Requesting Information

Title 7, United States Code, Section 2217, authorizes officers, agents, or employees of the United States Department of Agriculture (USDA) designated by the Secretary of Agriculture to take an affidavit whenever the affidavit is for use in any prosecution or proceeding under or in the enforcement of any law administered by the Secretary of Agriculture, USDA, or any agency within USDA. Information is solicited from you for use in a prosecution or proceeding under or in the enforcement of laws delegated to the Administrator of the Animal and Plant Health Inspection Service (APHIS), USDA. These laws are listed in Title 7, Code of Federal Regulations, Section 2.51. In addition, the information solicited may be disclosed in accordance with the routine uses in the USDA, APHIS Privacy Act Systems of Records published in the Federal Register and described below under "Routine Uses Which May be Made Of the Information."

Nature of Your disclosure of Information

Disclosure of information solicited by APHIS is voluntary.

Principle Purpose For Which The Information is Solicited

The principle purpose for which the information is solicited is for use in prosecutions and proceedings under or in the enforcement of laws and regulations administered by APHIS.

Routine Uses Which May be Made of the Information

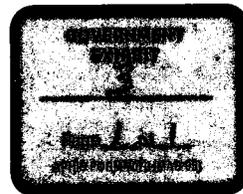
The routine uses which may be made of the information are:

(1) Referral to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the law or any rule, regulation or order issued pursuant to the law when the information indicates a violation or potential violation of law. (2) Disclosure to the Department of Justice for use in litigation under circumstances specified in USDA, APHIS Privacy Act Systems of Record published in the Federal Register. (3) Disclosure in a proceeding before a court or adjudicative body before which USDA is authorized to appear under circumstances specified in USDA, APHIS Privacy Act Systems of Records published in the Federal Register. (4) Disclosure to a congressional office in response to an inquiry from the congressional office made at the request of the individual who provided the information. (5) Referral to State Animal Health officials or State veterinary examining boards to certify that a particular individual is an accredited veterinarian.

Effects of Failure to Furnish Information

Failure to provide the solicited information will not subject you to penalties or adverse consequences.

I loaded at 1:30 AM, one horse was weak when I loaded. I stopped at Post, TX, the horse was down so I got it up. I went on to Eastland, TX, the horse was down again so I got it up. I stopped again at Mile Marker 391 Rest Area, the horse was down again, I worked to get it up, but it was too weak to get up. I went on to Beltex Corporation to unload, the horse had room to stand but the horse was too weak to stand up.



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

____RECEIVED THIS DOCUMENT
FROM at Beltes at Ft. Worth
ON 6/21/05 SIGNATUR

received this document
from on 06/24/05

AFFIDAVIT

I, _____ being duly sworn on oath make the following statement:

I make the following voluntary statement to _____ who has identified himself to me as an Investigator for the U.S. Department of Agriculture, Animal & Plant Health Inspection Service, Investigative and Enforcement Services.

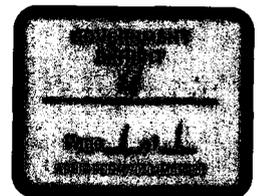
_____ at Beltex Feedlot located in Morton, Texas, I have held this position for approximately _____ Beltex Feedlot is owned by Beltex Corporation. Our address is 2180 County Road 120, Morton, TX 79346. I can be reached by phone a _____

On 04/04/05, we shipped a load of 34 slaughter horses to Beltex Corporation in Fort Worth, Texas _____ was the truck driver. One horse on this load kept getting down on the trailer, and _____ would get him up and continue on. _____ stopped at least three times en route to Fort Worth, he called me each time he stopped and told me the horse was down and he got him up. _____ gave me another call when he got to mile marker 391 (on Interstate 20), and said the horse was down and he couldn't get him up, I told him to go ahead and get the load to the plant in Fort Worth since he was so close.

I was not at the feedlot when the horses were loaded, the horse did not have any visible signs of disease or injury, I don't know what could have happened to it.

I have been offered an opportunity to make changes or delete information from this statement that may be inaccurate. I am making this statement freely and without duress, reward, or promises of reward being offered. I understand that this is a sworn affidavit, and I have read the 1 page and swear that the information contained therein is true to the best of my knowledge and belief. END.

Subscribed and sworn to before me at Morton, Texas on this 20th day of July, 2005.



APHIS FORM 7162 Replaces VS Form 3-59G which is obsolete. (NOV 92)

DEPUTY
ADMINISTRATOR

7 U.S.C. 2217 TO
OATH AFFIRMATIONS,

SIGNATURE NO.

Privacy Act Notice

Title 5, United States Code, Section 552a(e)(3) requires that each agency that maintains a system of records provide each individual from whom the agency solicits information with the following information.

Authority for Requesting Information

Title 7, United States Code, Section 2217, authorizes officers, agents, or employees of the United States Department of Agriculture (USDA) designated by the Secretary of Agriculture to take an affidavit whenever the affidavit is for use in any prosecution or proceeding under or in the enforcement of any law administered by the Secretary of Agriculture, USDA, or any agency within USDA. Information is solicited from you for use in a prosecution or proceeding under or in the enforcement of laws delegated to the Administrator of the Animal and Plant Health Inspection Service (APHIS), USDA. These laws are listed in Title 7, Code of Federal Regulations, Section 2.51. In addition, the information solicited may be disclosed in accordance with the routine uses in the USDA, APHIS Privacy Act Systems of Records published in the Federal Register and described below under "Routine Uses Which May be Made Of the Information."

Nature of Your disclosure of Information

Disclosure of information solicited by APHIS is voluntary.

Principle Purpose For Which The Information is Solicited

The principle purpose for which the information is solicited is for use in prosecutions and proceedings under or in the enforcement of laws and regulations administered by APHIS.

Routine Uses Which May be Made of the Information

The routine uses which may be made of the information are:

(1) Referral to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the law or any rule, regulation or order issued pursuant to the law when the information indicates a violation or potential violation of law. (2) Disclosure to the Department of Justice for use in litigation under circumstances specified in USDA, APHIS Privacy Act Systems of Record published in the Federal Register. (3) Disclosure in a proceeding before a court or adjudicative body before which USDA is authorized to appear under circumstances specified in USDA, APHIS Privacy Act Systems of Records published in the Federal Register. (4) Disclosure to a congressional office in response to an inquiry from the congressional office made at the request of the individual who provided the information. (5) Referral to State Animal Health officials or State veterinary examining boards to certify that a particular individual is an accredited veterinarian.

Effects of Failure to Furnish Information

Failure to provide the solicited information will not subject you to penalties or adverse consequences.

CASE NUMBER: TX05136-VS



SUBJECT NAME : Horse shipped by Beltex Corporation, truck driven by

LIC/REG/CASE NO. : TX05136-VS

VIOLATION SECTION NO. : 9 CFR 88.4

DESCRIPTION OF PHOTOGRAPH: Digital photograph shows horse that continued to go down on the trailer while en route from Beltex Feedlot to Beltex Corporation. Horse was unable to stand upon arrival at Beltex Corporation and was subsequently euthanized. Injuries shown in photo are from euthanasia.

PHOTOGRAPHER

DATE: 04/04/05



CASE NUMBER: TX05136-VS



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PHOTOGRAPHER:

DATE: 04/04/05



BUSINESS SUMMARY REPORT

BELTEX CORPORATION
3801 N Grove St
Fort Worth, TX 76106-3720
County/FIPS: Tarrant



Name Variation(s)/DBA(s):

BELTEX CORP
BELTEX CORPORAT
BELTEX CORPORATION
BELTEX CORPORTATION
FRONTIER MEATS

Telephone:

817-589-2XXX
817-624-1136
817-624-1XXX
FAX: 817-624-4594

Address Variation(s):

*** * * ORIGINAL * * ***

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

Fort Worth, TX 76106

2180 Cr 210, Morton, TX 79346

Frontier Game Compan, Morton, TX 79346

*** * * ORIGINAL * * ***

3801 N Grove St, Fort Worth, TX 76106

3801 N Grove St, Fort Worth, TX 76106-3720

3801 N Grv, Fort Worth, TX 76106

3801 North Grove St, Fort Worth, TX 76106

3801 North Grv, Fort Worth, TX 76106

3801 North Grove St, Fortworth, TX 76106

3801 N Grove St, Ft Worth, TX 76106

*** * * POSTAL STANDARD * * ***

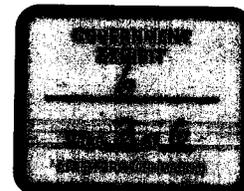
3801 N Grove St, Fort Worth, TX 76106-3720

County/FIPS: Tarrant

MSA: Fort Worth-Arlington, TX - 2800

*** * * ORIGINAL * * ***

3801 North Fwy, Fort Worth, TX 76106



*** * * POSTAL STANDARD * * ***

3801 North Fwy, Fort Worth, TX 76106-2320

County/FIPS: Tarrant

MSA: Fort Worth-Arlington, TX - 2800

*** * * ORIGINAL * * ***

2180 County Road 120, Morton, TX 79346-6518

*** * * POSTAL STANDARD * * ***

2180 County Road 120, Morton, TX 79346-6518

County/FIPS: Cochran

*** * * ORIGINAL * * ***

PO Box 427, Whiteface, TX 79379

*** * * POSTAL STANDARD * * ***

PO Box 427, Whiteface, TX 79379-0427

County/FIPS: Cochran

PROFILE INFORMATION

Name: BELTEX CORPORATION

Date of Incorporation: 04/20/1976

Incorporation No: 0037959100

Duration: PERPETUAL

Status: IN EXISTENCE

Type: DOMESTIC BUSINESS CORPORATION

Name: BELTEX CORP

Type: CORPORATION

Name: BELTEX CORPORATION

State of Incorporation: TX

Status: ACTIVE

Type: CORPORATION

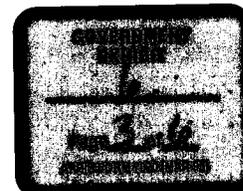
Sales: (b)(4)

Executive(s):

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

Registered Agent(s):

SECRETARY OF THE STATE



30 TRINITY STREET HARTFORD, CT 06106

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

Industry Information:

SIC Codes:

2011 (MEAT PACKING PLANTS)
2011 MEAT PACKING PLANTS
201101 MEAT PACKERS

2ND SIC:

0751 LIVESTOCK SVCS, EXC SPECIALTIES
204701 DOG & CAT FOOD (MANUFACTURERS)
509901 EXPORTERS

Company ID Numbers:

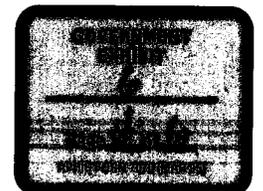
DUNS No: 07-080-4604
Experian: T01859087
T04660599
ABI No: 001562875
State ID(s): **TX**, 0037959100
TX, 17515225039
FEIN: 52-1010282
77-1221378
77-3101183

LIEN INFORMATION

Jurisdiction: TX UCC RECORD
Debtor(s): BELTEX CORPORATION
Secured Parties: INTER-TEL LEASING INC.
Filing Number: 20011354824
Filing Date: 12/03/2001
Type: UCC STANDARD
Expiration Date: 12/03/2006
Status: ACTIVE AS OF 12/3/2001

Jurisdiction: TX UCC RECORD
Debtor(s): BELTEX CORPORATION
Secured Parties: CRYOVAC, INC.
Filing Number: 40070775545
Filing Date: 06/09/2004
Type: UCC STANDARD
Expiration Date: 06/09/2009
Status: ACTIVE AS OF 6/9/2004

Jurisdiction: TX UCC RECORD
Debtor(s): BELTEX CORPORATION
Secured Parties: NORWEST BANK TEXAS, N.A.
Filing Number: 477922
Filing Date: 04/17/2000
Type: UCC STANDARD
Expiration Date: 04/19/2010
Status: ACTIVE AS OF 12/13/2004



Jurisdiction: SEC OF STATE OREGON
Debtor(s): BELTEX CORP
Filing Number: 0400910777
Filing Date: 04/17/2000
Type: UCC-CONT

ASSOCIATED ENTITIES

DFW COMM INC
2120 Regency Dr
Irving, TX 75062-4940

FEDERATED MUTUAL INS CO
505 Idlewild Rd
Grand Prairie, TX 75051-2410

INTER TEL LEASING INC
1140 S Loop N
Houston, TX 77055

MID CENTURY AUTO 126 6
PO Box 531259
Grand Prairie, TX 75053-1259

NORWEST BANK TEXAS N A
777 W Rosedale M 9544 S
Fort Worth, TX 76104

RIVERA LIVESTOCK
5973 N Grape Creek Rd
San Angelo, TX 76901-5496

SEALED AIR CRYOVAC DIV
PO Box 464
Duncan, SC 29334-0464

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

3801 N Grove St
Fort Worth, TX 76106-3720

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

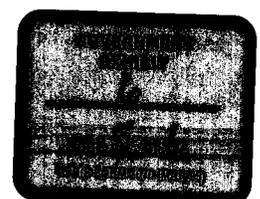
3801 N GROVE ST
Fort Worth, TX 76106-3720

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

3801 N Grove St
Fort Worth, TX 76106-3720

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

3801 North Fwy
Fort Worth, TX 76106-2320



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

3801 N Grove St
Fort Worth, TX 76106-3720

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

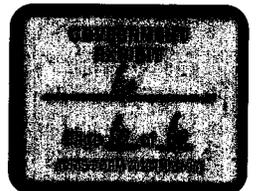
3801 N Grove St
Fort Worth, TX 76106-3720

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

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

3801 N Grove St
Fort Worth, TX 76106-3720

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





SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Rear right foot exhibiting thickening and corrugation of the sole and loose flaps of tissue at the sole/heel margin.

DATE: 9-15-04

TIME: 1257 hrs.

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Rear left foot exhibiting thickened and corrugated appearance, as well as loose flaps of tissue at both heel and toe margins.

DATE: 9-15-04

TIME: 1257 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Rear left foot, exhibiting thickened and corrugated foot pad and loose tissue flaps at heel and toe margins.

DATE: 9-15-04

TIME: 1257 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Photo of caudal aspect of elephant, exhibiting hard, rough, dry, cracked, thickened, scaly and flaking skin over most body surfaces.

DATE: 9-15-04

TIME: 1258 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Photo of owner (on left) and the caudal aspect (lower "half") of the elephant. Skin is hard, dry, rough, cracked and thickened on most surfaces, and also loose, scaly and flaking at the tail and tail head regions.

DATE: 9-15-04

TIME: 1258 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Photo of caudal aspect (lower "half") of elephant, showing hard, dry, rough, cracked and thickened skin on most surface areas, and loose, scaly flaking tissue at the tail and tail head areas.

DATE: 9-15-04

TIME: 1259 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Photo of right rear quarters, at level of rump and tail head. Skin is dry, rough, thickened, cracked, scaly and flaking over most of the area seen.

DATE: 9-15-04

TIME: 1303 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

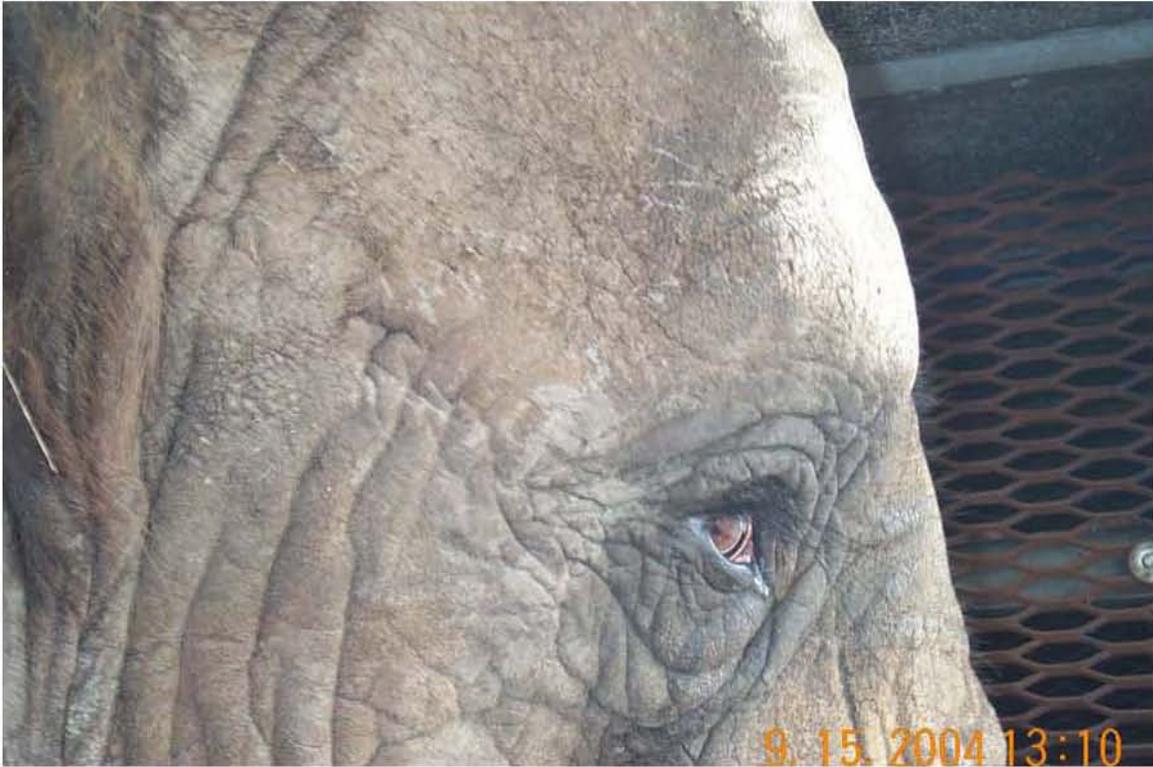
9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Photo of right flank area, at level of (and between) knee and elbow. Skin is hard, rough, dry, thickened, scaly and flaking on most surface areas. Metal bar in photo is a portion of a restraint system for the elephant built into the travel transport trailer.

DATE: 9-15-04

TIME: 1309 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2); 3.75(c)(1)(i)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Photo of right face and forehead areas. Skin is dry, rough, thickened and scaling and flaking on most surface areas. The mesh metal structure seen to the right of the elephant's face is a portion of the primate enclosure, and the surface of this metal is totally rust-covered and unsanitizable.

DATE: 9-15-04

TIME: 1310 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Photo of right face, forehead and ear, as well as a portion of animal's back and shoulder areas. Hard, rough, dry, thickened, cracking, scaly and flaking skin are seen on most surface areas.

DATE: 9-15-04

TIME: 1310 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of travel trailer. Photo of lower portions of front feet, as well as condition of toe nails, cuticles and skin on lower legs. Skin on legs is rough, dry, hard and thickened, with areas of scaly and flaking tissue.

DATE: 9-15-04

TIME: 1313 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 3.128; 3.138

DESCRIPTION: Nosey, a 24-year-old African elephant, standing in rear of the sole travel transport trailer located at the exhibit site in Waterloo, Iowa. Photo of travel arrangements for elephant and for "5-legged" steer (at left). Owner claims that steer no longer travels with elephant, but a second trailer said to transport horses and the steer was not at this sight when inspection occurred.

DATE: 9-15-04

TIME: 1320 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #: 58-C-0288

9 CFR SECTION #: 2.40(b)(2)

The entire arsenal of foot and skin care items presented for inspection to USDA and available for use on the elephant named Nosey. Rasp file and jaws of nippers were rusted, suggesting little if any recent use. Hoof knife was dull, and no sharpening stone or steel was present. Plane-like rasp for skin care (seen just above the shoe polish can) was in disrepair (handle could not be attached securely) and the rasp teeth were rusty, suggesting limited usefulness and use of this tool.

DATE: 9-15-04

TIME: 1322 hrs

PHOTOGRAPHER: BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #:

58-C-0288

9 CFR SECTION #:

3.128; 3.138

DESCRIPTION:

“Five-legged” steer on exhibit by owner at National Dairy Cattle Congress fairgrounds in Waterloo, Iowa. Horns of steer are sharp and not capped or otherwise covered.

DATE:

9-15-04

TIME:

1248 hrs

PHOTOGRAPHER:

BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #:

58-C-0288

9 CFR SECTION #:

2.131(b)(1)

DESCRIPTION:

Plastic security barrier separating the public from tethered "five-legged" steer and African elephant. Elephant was housed in a transport trailer when photo was taken. Note: No fewer than 6 equine are tethered along chain link fence, with no protection from the elements.

DATE:

9-15-04

TIME:

1249 hrs

PHOTOGRAPHER:

BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #:

58-C-0288

9 CFR SECTION #:

2.40(b)(2)

DESCRIPTION:

View of portion of the upper right flank and back of Nosey, an African elephant, taken at the approximate level of the body just anterior to the right leg of the animal. The skin is hard, rough, dry, cracked, thickened and/or scaly and flaking over most surface areas.

DATE:

9-15-04

TIME:

1300 hrs

PHOTOGRAPHER:

BELLIN



SUBJECT NAME:

LICENSE/REGISTRATION #:

58-C-0288

9 CFR SECTION #:

3.75(c)(1)(i)

DESCRIPTION:

View of a portion of the expanded metal surfaces of the primate enclosure within the transport trailer, taken facing just anterior to the head of the African elephant. The entire surface of this metal structure is rusted, and cannot be readily sanitized.

DATE:

9-15-04

TIME:

1314 hrs

PHOTOGRAPHER:

BELLIN