

Again?! New Complaints Filed Against Three Angels Farms: Chameleon Carrier

By : Terry Torrance

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Houston, TX - **Four new** complaints were filed against Three Angels Farm of Lebanon, TN (Dorian Ayache) with the USDA office of the Inspector General (USDA OIG), totally 5 complaints made by private citizens in less than two months. Three Angels Farms is best known for two high profile accidents that occurred in January and June while hauling horses to slaughter.



The latest rounds of offences are associated with documents revealing violations of the USDA 28 hour rule. According to the complaints, horses were trailered for up to 44 ½ hours, exceeding by 15 ½ hours the legal limits. Fines, up to \$ 5,000 per horse according to USDA regulations, could total almost \$200,000 per incident.

Obvious violations

Records revealed clear violations. Log books of the Ayache operation for March and April were obtained from the Federal Motor Carrier Safety Administration (FMCSA) via a Freedom of Information Act request. Once the records were reviewed, a formal complaint was filed with the USDA OIG, including specific details which provided the basis for the 4 additional complaints. Specifically, two complaints were filed for this



Truck #88 Hauling Horses to Slaughter

company being in violation of 9CFR 88, Commercial Transportation of Equines to Slaughter Act. This regulation makes it a violation of having slaughter horses on a trailer for more than 28 hours. The other two complaints were file under 49 USC 80502, the 28hr law of 1877. This regulation also prevents horses and all livestock from being on a trailer for more than 28 hours. If horses are rejected at the export pens for slaughter, they no longer are covered by 9CFR 88 Commercial Transportation of Equines to Slaughter, but would be covered by the 28 hr law of 1877.

9CFR 88, Commercial Transportation of Equines to Slaughter Act

<http://law.justia.com/cfr/title09/9-1.0.1.3.29.html>

USC 80502, the 28hr law of 1877

<http://www.nationalaglawcenter.org/assets/crs/RS21978.pdf>

Three Angels Farms log entries showed that on 4 separate dates that horses were loaded on trailers for over 28 hours.

- **03/26/2012 - 35 ½ hours**
- **03/28/2012 - 44 ½ hours**
- **04/11/2012 - 31 ½ hours**
- **04/13/2012 - 29 ½ hours**



Three Angels Farms tractor #88 parked at rest area



Three Angels Farms location in Lebanon, TN

3/26/12-Truck #7, trailer #T7 left Lebanon, TN at 12:30 am and arrived 3/27/12 in Presidio, TX
 At 12:00pm. Horses were on trailer for 35 ½ hrs. (9CFR88 violation)

DRIVER'S DAILY LOG (24 HOURS)

3/26/12
 (Month) (Day) (Year)
 3 Angeles Farm
 15 rural rd 7012 N 3709 W
 Main Office Address
 Home Terminal Address

Total Miles Driving Today: 277 Total Mileage Today: 277

Truck/Tractor and Trailer Numbers or License Plates / State (show each unit): 2 T7

Driver's Full Signature: [Signature] Co-Driver's Name: [Blank]

1. OFF DUTY: 3
 2. SLEEPER BERTH: 9 1/2
 3. DRIVING: 11
 4. ON DUTY (NOT DRIVING): 4
 TOTAL HOURS: 24

REMARKS:
 Left TN at 12:30 AM
 Left back TX
 Woke up TX
 Woke up TX

SHIPPING DOCUMENTS: [Blank]

R/L of Manifest No. or Shipper & Commodity: [Blank]

From: Lebanon TN To: Presidio TX

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DRIVER'S DAILY LOG (24 HOURS)

3/27/12
 (Month) (Day) (Year)
 3 Angeles Farm
 15 rural rd 7012 N 3709 W
 Main Office Address
 Home Terminal Address

Total Miles Driving Today: 277 Total Mileage Today: 277

Truck/Tractor and Trailer Numbers or License Plates / State (show each unit): 2 T7

Driver's Full Signature: [Signature] Co-Driver's Name: [Blank]

1. OFF DUTY: 6 1/2
 2. SLEEPER BERTH: 8
 3. DRIVING: 9 1/2
 4. ON DUTY (NOT DRIVING): 24

REMARKS:
 Woke up at 4 AM TX
 Woke up TX
 Arrived Presidio TX

SHIPPING DOCUMENTS: [Blank]

R/L of Manifest No. or Shipper & Commodity: [Blank]

From: Presidio TX To: Presidio TX

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3/28/12 -Truck #7, trailer #T7 left Presidio, TX at 12:30 am and arrived 3/29/12 in Lebanon, TN at 9:00pm. Log books state that livestock were on the trailer. Horses on trailer for 44 ½ hrs. (49 USC 80502 violation)

DRIVER'S DAILY LOG (24 HOURS) 3/28/12 (Month) (Day) (Year)
 Suggested - Fill at home terminal. Duplicate - Driver retains in holder possession for eight days.

RECAP Complete at end of working day.

Total Miles Driven Today: _____ Total Mileage Today: _____

Truck/Tractor and Trailer Numbers or License Plate(s) (State below each unit): 7 T7

I certify these entries are true and correct.

Driver's Full Signature: [Signature] Co-Driver's Name: _____

Home Office Address: 151 Hill Rd. Ft. TX 37090

Home Terminal Address: 2000

Truck/Tractor and Trailer Numbers or License Plate(s) (State below each unit): _____

Driver's Full Signature: _____ Co-Driver's Name: _____

MILEAGE	MARCH											TOTAL HOURS											
	1	2	3	4	5	6	7	8	9	10	11												
1. OFF DUTY												NOON											3 1/2
2. SLEEPER BERTH												NOON											9
3. DRIVING												NOON											11
4. ON DUTY (NOT DRIVING)												NOON											1
TOTAL																						24	

REMARKS: PTK
Presidio TX Abilene TX Commerce TX

SHIPPING DOCUMENTS: _____

R/L or Manifest No. or Shipper's Commodity: livestock

From: Presidio TX To: Commerce TX

DRIVER'S DAILY LOG (24 HOURS) 3/29/12 (Month) (Day) (Year)
 Suggested - Fill at home terminal. Duplicate - Driver retains in holder possession for eight days.

RECAP Complete at end of working day.

Total Miles Driven Today: _____ Total Mileage Today: _____

Truck/Tractor and Trailer Numbers or License Plate(s) (State below each unit): 7 T7

I certify these entries are true and correct.

Driver's Full Signature: [Signature] Co-Driver's Name: _____

Home Office Address: 151 Hill Rd. Ft. TX 37090

Home Terminal Address: 2000

Truck/Tractor and Trailer Numbers or License Plate(s) (State below each unit): _____

Driver's Full Signature: _____ Co-Driver's Name: _____

MILEAGE	MARCH											TOTAL HOURS											
	1	2	3	4	5	6	7	8	9	10	11												
1. OFF DUTY												NOON											12 1/2
2. SLEEPER BERTH												NOON											11
3. DRIVING												NOON											11
4. ON DUTY (NOT DRIVING)												NOON											1
TOTAL																						24	

REMARKS: Commerce TX Abilene TX Myrtle TX Lebanon TN

SHIPPING DOCUMENTS: _____

R/L or Manifest No. or Shipper's Commodity: livestock

From: Commerce TX To: Lebanon TN

4/11/2012 - Truck #10, trailer #T7 left Lebanon, TN at 11:30 am and arrived 4/12/12 in Alpine, Texas at 7:00pm. Horses on trailer for 31 ½ hrs. (9CFR 88 violation)

DRIVER'S DAILY LOG (24 HOURS)

4 / 11 / 12
 (Month) (Day) (Year)

Original - File at home terminal
 Duplicate - Driver retains in trailer possession for eight days

RECAP
 Complete at end of workday.

3 *Amogh Farm*
 Name of Carrier or Company

151 *Hick Hill Rd Lebanon TN 37090*
 Main Office Address

None
 Home Terminal Address

10 *T7*
 Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Josh D. Stowell
 Driver's Full Name

None
 Co-Driver's Name

I certify these entries are true and correct.

MPH	MID-NIGHT											NOON	TOTAL HOURS																			
1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11
1. OFF DUTY																																
2. SLEEPER BERTH																																
3. DRIVING																																
4. ON DUTY (NOT DRIVING)																																
REMARKS																																
<i>Lebanon</i>																																
<i>Lebanon TN PTE</i>																																
<i>AP, MS, DUT. PA</i>																																
<i>Waukegan, IL</i>																																
SHIPPING DOCUMENTS:																																
R/L or Manifest No. or <i>None</i>																																
Shipper & Commodity																																
From: <i>Lebanon TN</i> To: <i>Waukegan, IL</i>																																

75 Hour / 8 Day Defenses

80 Hour / 7 Day Defenses

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DRIVER'S DAILY LOG (24 HOURS)

4 / 12 / 12
 (Month) (Day) (Year)

Original - File at home terminal
 Duplicate - Driver retains in trailer possession for eight days

RECAP
 Complete at end of workday.

3 *Amogh Farm*
 Name of Carrier or Company

151 *Hick Hill Rd Lebanon TN 37090*
 Main Office Address

None
 Home Terminal Address

10 *T7*
 Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Josh D. Stowell
 Driver's Full Name

None
 Co-Driver's Name

I certify these entries are true and correct.

MPH	MID-NIGHT											NOON	TOTAL HOURS																			
1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11
1. OFF DUTY																																
2. SLEEPER BERTH																																
3. DRIVING																																
4. ON DUTY (NOT DRIVING)																																
REMARKS																																
<i>Waukegan, IL</i>																																
<i>Waukegan, IL PTE</i>																																
<i>Alpine, TX PTE</i>																																
SHIPPING DOCUMENTS:																																
R/L or Manifest No. or <i>None</i>																																
Shipper & Commodity																																
From: <i>Waukegan, IL</i> To: <i>Alpine, TX</i>																																

75 Hour / 8 Day Defenses

80 Hour / 7 Day Defenses

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4/13/2012 - Truck #10, trailer #T7 left Alpine, TX at 6:30 am and arrived 4/14/12 in Lebanon, TN at 12:00pm (noon). Log books state that livestock were on the trailer. Horses on trailer for 29 ½ hrs. (49 USC 80502 violation)

DRIVER'S DAILY LOG (24 HOURS)

Date: 4/13/12 (Month/Day/Year)

Original - file at home terminal
Duplicate - Driver retains in vehicle possession for eight days

Driver's Name: 3 Angelo Fan
Main Office Address: 151 Hill Rd. Al. Tx 37090
Home Terminal Address: same

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit): 10 T7

Driver's Full Signature: Josh D. Fannell
Co-Driver's Name: same

I certify these entries are true and correct.

MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																								4
2. SLEEPER BERTH																								10
3. DRIVING																								9
4. ON DUTY (NOT DRIVING)																								1
REMARKS	<p>Waltz Rd Tx</p> <p>Waltz Rd TX PTE</p> <p>Alpine TX PTE</p>																							
SHIPPING DOCUMENTS																								
B/L or Manifest No. or Shipper & Commodity	<p>From: Waltz Rd Tx To: Alpine TX</p>																							

RECAP: Complete at end of working day.

Total hours on duty last 7 days, including today: 70 Hours / 9 Day Distance

Total hours on duty last 8 days, including today: 24

Total hours available maximum: 80 hr. unless A*

Total hours on duty last 7 days, including today: 24

Total hours on duty last 8 days, including today: 24

*If you took 24 consecutive hours off duty, you have 80% hours available again.

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DRIVER'S DAILY LOG (24 HOURS)

Date: 4/14/12 (Month/Day/Year)

Original - file at home terminal
Duplicate - Driver retains in vehicle possession for eight days

Driver's Name: 3 Angelo Fan
Main Office Address: 151 Hill Rd. Al. Tx 37090
Home Terminal Address: same

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit): 10 T7

Driver's Full Signature: Josh D. Fannell
Co-Driver's Name: same

I certify these entries are true and correct.

MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																								2
2. SLEEPER BERTH																								10
3. DRIVING																								11
4. ON DUTY (NOT DRIVING)																								1
REMARKS	<p>Alpine Tx</p> <p>Alpine TX PTE</p> <p>Little Rock AR</p>																							
SHIPPING DOCUMENTS																								
B/L or Manifest No. or Shipper & Commodity	<p>From: Alpine Tx To: Little Rock</p>																							

RECAP: Complete at end of working day.

Total hours on duty last 7 days, including today: 70 Hours / 9 Day Distance

Total hours on duty last 8 days, including today: 24

Total hours available maximum: 80 hr. unless A*

Total hours on duty last 7 days, including today: 24

Total hours on duty last 8 days, including today: 24

*If you took 24 consecutive hours off duty, you have 80% hours available again.

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Many horse owners question the 28 hour law, saying 28 hours is excessive while citing laws in countries where maximum limits are less than half what is allowed in the U.S. The already liberal legal maximum appeared to have never been enforced, and many are exasperated by efforts to bring slaughter back to the U.S. with claims of shorter transport. To date no prosecutions of the 28 hour rule regarding transport of equine to slaughter appears to have ever been pursued by the USDA

“There’s no question transport conditions are bad,” said John Holland with Equine Welfare Alliance (EWA). “They were horrendous when horse slaughter was operating in the U.S. and just like now, the 28 hour rule was violated all the time with absolutely zero enforcement.”

According to EWA, Veterinarians for Equine Welfare (VEW) and many other organizations, the issue is best addressed by banning horse slaughter and related transport all together, not by bringing it back.

Chameleon Carrier

In other documents, Department of Transportation Investigator James Reid described being directed to ‘divert from his destination’ and go to Ayache’s Three Angels Farms after Ayache’s wreck on January 12. Reid quickly finds that Ayache was operating as a “reincarnate (chameleon) carrier” under his brother’s name. Investigator Reid asked Ayache why he had two DOT numbers, who stated that he had a bad record with his old DOT number and just stopped using it, starting another business under his brother’s name.



However, Investigator Reid noted that Ayache’s earlier carrier company had been ordered to cease all operations after failing a safety audit in Sept 2011 and his “unwillingness to submit a corrective action plan.”

Severe Defects and Malfunctions

During another inspection visit on Feb 3rd, Investigator Reid found “numerous out of service violations” on Ayache’s tractors and trailers. Defects and malfunctions were severe: “These violations placed Three Angels Farm’s trucks and trailers out of service for a 100% out of service rate.”

Ayache’s second wreck in 5 months, on June 12 resulted from the trailer breaking in half as it traveled west on I-40 outside of Nashville, less than 30 miles from Three Angles Farms. In both this and the January wreck several horses died.

Six days later on June 18, Tennessee Department of Public Service stopped 4 Three Angels Farms semis and quickly put 3 of the 4 tractors out of service for defective brakes, tire tread separation, cab body improperly secured to frame and several other violations. Two of the four trailers were similarly put out of service.

Yet on June 23rd one of the trailers was seen and trailed for 3 hours as it traveled west on I-40. Loaded with horses and traveling away from the Ayache operation in Lebanon, the trailer had been removed from service less than a week before for a cracked frame, loose, sagging, broken, inadequate floor condition, inadequate brakes, tire tread and other violations.

Independent of having the out of service trailer on the road, on June 29th, 2012 the U.S. Department of Transportation ordered Three Angels Farms to immediately cease all transportation operations.

<http://www.kaufmanzoning.net/usdepartmentoftransportationordersthreeangelsfarmsshutdown062912.htm>

The 4 new complaints filed regarding Ayache's violations to the 28 hour laws, strongly indicate the extremes to which Three Angels Farms is willing to put horses in his care. Up to almost 45 hours on a trailer with severe defects and malfunctions, add the issue of inhumane transport to the already well-founded concerns over threats to the public's safety posed by Ayache. The formal complaints filed with the USDA also raise questions as to why the 28 hour laws appear to have never been prosecuted when a simple examination of one company's documents covering a limited time period revealed substantial violations.



Three Angels Farms truck #88 hauling slaughter horses to Presidio, Texas



THREE ANGELS FARMS (EDWIN AYACHE dba)
U.S. DOT #: 2100311

Review Date:
02/23/2012

Compliance review obtained via the Freedom of Information Act. Link to the full compliance review with investigator notes can be viewed at <http://www.kaufmanzoning.net/2.23.12%20CR.pdf>

On Feb, 23, 2012 an onsite compliance review of Three Angels Farms was conducted by the Department of Transportation Investigator Jim Reid. During this review these violations were discovered:

1. Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. (Robert McDonald was the driver)
2. Failing to keep an accident register in the form and manner prescribed. (Ronald Vance was the driver)
3. Failing to maintain driver qualification file on each driver employed. (Ronald Vance was the driver)
4. Requiring or permitting a property-carrying commercial motor vehicle driver to driver more than 11 hours. (Robert McDonald was the driver)
5. Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty. (Robert McDonald was the driver)
6. Failing to require driver to prepare record of duty status in form and manner prescribed. (Robert McDonald was the driver)
7. Failing to maintain brakes in proper adjustment.
8. Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. (Dorian Ayache was the driver)
9. Failing to require driver to prepare driver vehicle inspection report. (Dorian Ayache was the driver)



Three Angels Farms hauling a small load of horses in Alpine, TX

Due to the completed Feb 23, 2012 compliance review, Three Angels Farms was fined a civil penalty of **\$2,000**. The summary of violations found were Three Angels Farms using a driver before the motor carrier as received a negative pre-employment controlled substance test, and failure to require driver to prepare vehicle inspection report.

http://www.kaufmanzoning.net/NOC%202012_Redacted.pdf

On June 29th, 2012 the U.S. Department of Transportation ordered Three Angels Farms to cease all transportation operations.

<http://www.kaufmanzoning.net/usdepartmentoftransportationordersthreeangelsfarmsshutdown062912.htm>

The 4 new complaints filed regarding Ayache's violations to the 28 hour laws, strongly indicate the extremes to which Three Angels Farms is willing to put horses in his care. Up to almost 45 hours on a trailer with severe defects and malfunctions, add the issue of inhumane transport to the already well-founded concerns over threats to the public's safety posed by Ayache. The formal complaints filed with the USDA also raise questions as to why the 28 hour laws appear to have never been prosecuted when a simple examination of one company's documents covering a limited time period revealed substantial violations.

To request information about this report, or to use this material please contact:
investigationinformation@gmail.com