

**Animals' Angels USA**

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**ANIMALS' ANGELS**

we are there with the animals

**Investigation of Sugarcreek auction and the transport of slaughter  
horses from the auction to Texas  
Date: 1/25/2008-1/27/2008  
External Report**

**Part 1: Sugarcreek Auction**

**Location:**

102 Buckeye Street  
Sugarcreek, Ohio 44681  
330-852-2832.

**Owner:**

Leroy Baker

**Market schedule:**

Friday 1 pm (Horses)

**State Veterinarian/Humane Officer:**

Dr. T. Forshey (Acting State Veterinarian)  
8995 E. Main Street, Building 6  
Reynoldsburg, OH 43068  
614-728-6220  
tforshey@mail.agri.state.ohio.us

Humane Society:

Tuscarawas County Humane Society  
Ms. Dawn Smitley  
PO Box 92  
New Philadelphia, OH 44663  
330-339-8968

**2. Observations:**

We arrived at the auction at 10 am. There were already several trucks of known buyers parked in the parking lot:

Fisher Sales Stables, Pennsylvania  
Bauer Farms La Rue, Ohio.

We also observed three trucks owned by Sugarcreek Livestock Trucking Inc. (DOT 484764)

Inside the pen area there were already approximately 120 horses. Only some of the pens have access to hay and water. Several of the water troughs were empty.

All the horses likely to be sold for slaughter are put together in one large pen. The pen is usually overcrowded (Despite the fact that several other pens remain empty) and the nervous horses kick and bite each other.



The veterinarian was drawing blood for Coggins testing. The handling again was very rough. The workers didn't take any time to move the horses through the alley and to the auction ring, which caused several horses to panic and run into gates. Particularly, the worker behind the auction ring was very rough and impatient.



He used a wooden stick excessively beating the horses on the head and the hip bones. The animals were very outraged and rushed through the pens. This led to one horse going down and being trampled by others. Luckily she managed to get up again. At this point, she was severely limping and – without anybody paying attention to the injury - was moved into one of the kill buyer's pens.



*Horse being trampled by others*



*Panicked horses on top of trampled horse*

The sale was over at 2:30 pm. The majority of the horses were sold to slaughter. The buyers immediately started to prepare the loading. A Godbout truck (Quebec, Canada, DOT 648752, single deck trailer) arrived at 3:15 pm and backed up to the loading dock at 3:20pm. At 4:23 pm he finished loading and shortly after left the premises. The Bauer farms truck, which also loaded at the same time, left together with the Godbout truck.

At 5:05 pm, one of Leroy Bakers double deck trucks backed up to the loading dock and started loading horses. We were deeply concerned as we observed him loading the horses onto both decks.

*Additional Information:*

*The “Commercial Transport of Equines to Slaughter Regulation” outlaws the loading of horses onto two decks. It is considered inhumane, because the animals are not able to stand normally and forced to hold their heads low during the entire transport. But – the protection of the regulation is limited to the direct transport to a slaughter facility. If the horses are (like in this case) transported to a feedlot or a collecting facility, it is still legal to load them on two levels. There are plans to change the regulation and to include all transport of slaughter horses. Unfortunately, to date this has not happened – with horrific consequences.*



## Part two: the transport of 43 horses from Ohio to Texas

5:50 pm:

The truck, loaded with 43 horses, left the premises and started heading towards I-70 South.

Driver: 1

Passenger: 1 (female, appeared to be his girlfriend)

Destination: Frontier Game Company, Morton, TX

Miles to destination: 1470

**Time it took the truck to drive to destination: 34 hours and 15 minutes**

Did driver take a ten hour nap after eleven hours of driving? No

Did driver at any time give the horses' access to food or water? No

Did driver unload the horses after 28 consecutive hours on the trailer? No

**For detailed information about the route traveled, break stops and exact times please review attachment.**



## Violations:

### **1) 49 USC 80502. Transportation of animals**

(a) **Confinement.**--(1) Except as provided in this section, a rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel transporting animals from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession, **may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.**

(2) .....

(3) Time spent in loading and unloading animals is not included as part of a period of confinement under this subsection.

(b) **Unloading, feeding, watering, and rest.**--Animals being transported shall be unloaded in a humane way into pens equipped for feeding, water, and rest for at least 5 consecutive hours. The owner or person having custody of the animals shall feed and water the animals. When the animals are not fed and watered by the owner or person having custody, the rail carrier, express carrier, or common carrier (except by air or water), the receiver, trustee, or lessee of one of those carriers, or the owner or master of a vessel transporting the animals--

(1) shall feed and water the animals at the reasonable expense of the owner or person having custody, except that the owner or shipper may provide food;

(2) has a lien on the animals for providing food, care, and custody that may be collected at the destination in the same way that a transportation charge is collected; and

(3) .....

(c) **Nonapplication.**--This section does not apply when animals are transported in a vehicle or vessel in which the animals have food, water, space, and an opportunity for rest.

(d) **Civil penalty.**--A rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel that **knowingly and willfully violates this section is liable to the United States Government for a civil penalty of at least \$100 but not more than \$500 for each violation. On learning of a violation**

### **2) 49 CF, Part 395 Hours of Service Regulations**

#### **§395.3 Maximum driving time for property-carrying vehicles.**

(a) **No motor carrier shall permit or require any driver used by it to drive** a property-carrying commercial motor vehicle, nor shall any such driver drive a property-carrying commercial motor vehicle:

(a)(1) **More than 11 cumulative hours following 10 consecutive hours off duty;** or

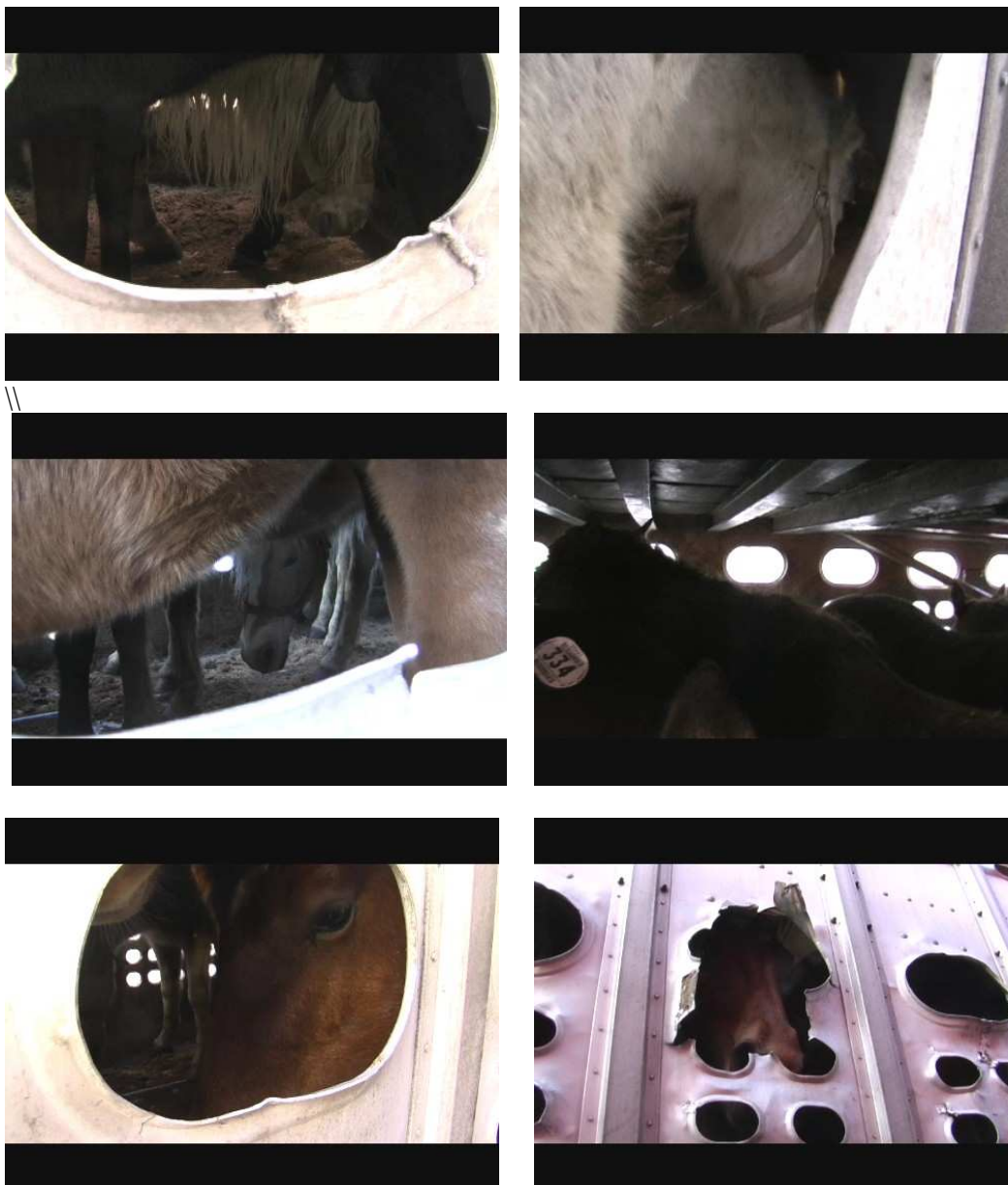
(a)(2) **For any period after the end of the 14th hour after coming on duty following 10 consecutive hours off duty,** except when a property-carrying driver complies with the provisions of [§395.1\(o\)](#) or [§395.1\(e\)\(2\)](#).

- External report -



1/26/2008

At a truck stop in Cuba, Missouri, we got a chance to observe the condition of the horses in the trailer. Several appeared to be in severe distress. As expected, they were holding their heads down, some showed fresh injuries from being kicked by others.



At 12:30 pm on 1-26-2008 the truck entered the Springfield Livestock Marketing Center. The truck waited for a silver pickup truck which picked up the female passenger. Afterwards, the solo driver continued to drive towards Texas.

As soon as it got dark again, the driver showed obvious signs of fatigue: The truck was weaving and the speed rate became very inconsistent.

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**1/27/2008**

At 4:05 am EST (3.05am CST) the truck finally arrived at the Frontier Game Company in Morton, TX. A portion of the plant is an expansive pen area which serves as a collecting facility for slaughter horses exported to Mexico. The truck backed up to the loading ramp and immediately started unloading the horses. The horses rushed down the ramps into one of the pens.



We called the Cochran County Sheriffs Department and asked them to come out to the premises. At 4:35 am EST (3.35am CST) Deputy Sheriff Anthony Rodriguez arrived. After reporting to him what we observed he informed us there is nothing he could do since the truck is on private property, he is not DOT certified and the next DOT certified police officer would be too far away to get a hold of now. However, he agreed to give us a copy of the police call sheet which documents the time of arrival at the Morton lot. He then told us to leave the premises.

We returned to the Frontier Game Company early on Sunday morning. Attached to the open outside pen area is a small slaughter facility where they seem to slaughter ostrich and buffalo, but no horses. Close to the pens is a small trailer which serves as an office for the employees and the office manager of the facility.

The Sugarcreek truck was gone. The horses from the truck were still in the same pen. Several were lying down and appeared to be very weak and exhausted. One appeared to be dead; we did not observe any breathing. Two were limping.

We went to the office building and talked to the employee that was working in the feed lot area. Information received:

- All the horses are slaughter horses, destined for slaughter in Mexico.
- They arrive from all over the country.
- He does not know if there is a veterinarian checking them before loading, we would have to talk to the manager.
- He does not know how many horses are present at the moment.
- He does not know who delivers the horses.

He agreed to give us the name and number of the manager.

Ms. Mary Ketcherside  
806-525-4221 office

The employee added that she is married to the “boss” and that she is usually in the office every day. While we were waiting in the office, we saw Mr. Baker’s check in sheets lying on the table. Mr. Baker’s receipt showed that 43 horses arrived and that one horse was down upon arrival.

We thanked him for the information and left to take a closer look at the horses in the open pen area. We counted close to 1000 horses on the premises. All horses had access to food and water. There is no shelter for the animals and several pens had large manure piles. All horses had the green USDA slaughter tag attached. We were surprised by the amount of young, healthy looking horses we saw. In addition, we saw a lot of extremely underfed horses and emaciated horses. Several were limping. We saw several horses that appeared to be dead: one mare was close enough to confirm that she indeed was dead. She was lying across the fence that divides the pen area - with the slaughter tag still attached. An ear tag was also visible.





Afterwards, we drove to the police department to pick up the promised call sheet, obtain more information about the Frontier Game Company and to share our concerns. The police officer on duty did not seem to be very concerned about over tired truck drivers or animal welfare issues. He said:

“Well, a lot of these guys are owner operators (referring to truck drivers), just trying to make a living. I can only stop them, if they give me a reason to do that.” and “We usually enforces animal cruelty laws, but not on the Frontier Game Companies premises. A lot of the horses there arrive already sick, that is not their fault. They just provide a place in between. “

He is certain that there is no animal welfare concern at the feedlot. He does not enforce DOT regulations (because he is not certified) and he does not enforce federal regulations.

We then left Morton and continued driving south towards the Socorro export pens.

## **Conclusions:**

The Investigation revealed several severe animal welfare and public safety concerns:

### Sugarcreek Livestock auction:

The handling of the horses is not acceptable. Every time our investigators visited this market, horses were trampled and injured by other horses as a result of the poor handling. During our visit on January 11, 2008, one horse was even killed. (Full report available upon request)

### The transport of slaughter horses from Sugarcreek auction to Morton, TX:

The transport violated the Federal Motor Carrier Regulations as well as Federal Animal Protection law. This driver tripled the legally allowed hours of service, which puts the American public at high risk. They are exposed to these overtired truck drivers which present a clear hazard to America’s roadways. In addition, live animals were transported for **over 34 hours** without access to food, water and a chance to rest. The consequences clearly showed the next day.

### Additional information:

+ During a compliance review conducted on 8/30/2007, Sugarcreek Livestock Trucking was found in critical violation of several Federal Motor Carrier Safety Regulations. In addition, Sugarcreek Livestock Trucking was prosecuted on 4/1/1997 for severe FMCSR violation. One truck was involved in a crash in Texas on March 21,2006

+ Mr. Bakers livestock dealer license was suspended May 29, 2007 for his involvement in the sale of diseased pigs. He continued to buy and sell without a license for more than 2 months, until the Ohio Department of Agriculture issued Sugarcreek livestock auction, Inc. a license. (7/30/2007)



| Safety Management Review Violations<br>Safety Management related violations (acute/critical) that were discovered during the last review |                              |  |                |
|--|------------------------------|--|----------------|
| Primary Federal Regulation   | Secondary Federal Regulation | Violation Description  | Violation Type |
| 395.8(A)   |                              | FAILING TO REQUIRE DRIVER TO MAKE A RECORD OF DUTY STATUS      | C              |
| 396.11(A)  |                              | Failing to require driver to prepare vehicle inspection report | C              |

| Driver Violation Summary<br>(within 30 months) |   |                                 |                       |
|--|---|---------------------------------|-----------------------|
| <u>Violation Number</u>                        | Description                                   | <u>Number of OOS Violations</u> | Number of Inspections |
| 392.5(A)                                       | Poss/use/under inflnce alcohol-4hrs prio duty | 1                               | <u>1</u>              |
| 395.3(A)(1)                                    | 11 hour rule violation (Property)             | 2                               | <u>2</u>              |
| 395.3(A)(2)                                    | 14 hour rule violation (Property)             | 3                               | <u>3</u>              |
| 395.3(B)                                       | 60/70 hour rule violation (Property)          | 1                               | <u>1</u>              |
| 395.8(K)(2)                                    | Driver failing to retain previous 7 days logs | 3                               | <u>3</u>              |

| Vehicles Involved in State Reported Crashes |                      |                      |                  |                    |                  |                                      |                             |  |
|---|----------------------|----------------------|------------------|--------------------|------------------|--------------------------------------|-----------------------------|--|
| <u>Crash Date</u>                           | <u>Repor t State</u> | <u>Report Number</u> | <u>Locatio n</u> | <u>Fatalitie s</u> | <u>Injurie s</u> | <u>Vehicle Identification Number</u> | <u>Vehicle Plate Number</u> |  |
| <u>1</u> 03/21/2006                         | TX                   | TX245385400P         | 0084             | NO                 | NO               | 1XP5D69X1YN534795                    | PUQ5030                     |  |



## Attachment: Timesheet

### **Trailing of Leroy Baker truck from Sugarcreek, Ohio to Morton, TX**

Driver: 1

Passenger: 1 female (to Springfield Livestock Marketing Center, MO.)

Distance 1457 miles

Travel time: 34 hours, 15 minutes

Driver slept 2hours, 44 minutes in Indiana.

Driver slept 1 hour, 10 minutes in Texas.

Driver slept a total of 3 hours, 55 minutes out of the 35 hours and 15 minute trip

#### **Route taken by truck:**

##### Ohio

SR 39 east to I-77 South to I-70 west to Ind.

##### Indiana

I-70 west to Illinois

##### Illinois

I-70 to I-270 into Missouri

##### Missouri

I-270 to I-44west to Oklahoma

##### Oklahoma

I-44 west to Tulsa then continues on I-44 west to Oklahoma City, OK. Then takes

I-40 west to Texas

##### Texas

I-40 west to I-27 south in Amarillo, TX

I-27 south to Lubbock, TX

TX 114 west to Morton, TX

#### **Time Schedule:**

Friday, January 25, 2008

5:15 pm (EST) Truck backs up to loading dock and starts loading

5:50 pm (EST) Truck leaves Sugarcreek Livestock auction goes east on RT. 39

6:00 pm (EST) Truck enters I-77 south

6:40 pm (EST) Truck enters I-70 west

6:47 pm (EST) Truck exits from I-70 at exit 176 and takes Route 22 towards New Concord.  
**It appears that he exits to avoid weight station at approx. mile post 175 on I-70.**

7:00 pm (EST) Truck enters back onto I-70 west at approx. mile post 164

7:04 pm –7:49 pm (EST) Break 1; Truck fueled at Love’s County Store Gas station,  
Store Number 221 at Exit 160 on I-70

10:47 pm-11:05 pm (EST) Break 2; at McDonald’s Restaurant in Cambridge, IN  
Exit 137 on I-70

Saturday, January 26, 2008

12:36 am-3:15 am (EST) Break 3; Exit 41 on I-70 in Indiana.  
Driver slept 2 hours 44 minutes.

We cross into Central time zone at the Indiana/Illinois state lines

3:51 am-3:57 am (EST) / 2:51 am – 2:57 am (CST) Break 4; Exit 147 on I-70,  
Marshall, Ill., at Interstate 66 fuel stop.

Driver takes exit 20 on I-70 west to I-270 west. Driver continues on I-270 west to exit 5. Driver exits  
I-270 onto I-44 west at mile post 276.

**It appears that he takes the loop around ST. Louis to avoid the Collinsville, Ill weigh station.**

7:49 am-8:13 am (EST) / 6:49am-7:13am (CST) Break 5; Exit 251 on I-44 west,  
“Mr. Fuel” truck stop in Villa Ridge, MO.

8:55 am-9:50am (EST) / 7:55am-8:50 am (CST) Break 6; Exit 208 on I-44 west,  
“Voss” Truck stop in Cuba, MO.

10:16 am-10:57am (EST) / 9:16am-9:57 (CST) Break 7; Rest Area before exit 176, I-44 west, Sugar  
Tree Road.

12:29 pm (EST) / 11:29am (CST) Break 8; truck takes exit 70 on I-44 west and enters  
premises of Springfield Livestock Marketing center

12:54 pm(EST) /11:54 am (CST) Silver pick-up truck arrives and picks up female passenger

1:10 pm (EST) /12:10 pm (CST) Truck continues on I-44 west

1:54 pm-1:59 pm (EST)/ 12.54pm-12:59pm (CST) Break 9; Truck stops at rest area at  
approx. mile post 55

2:19 pm-2:47pm (EST) /1:19 pm-1:47pm (CST) Break 10; Driver has lunch at  
McDonald’s at service plaza on I-44 west (Oklahoma Turnpike, Vinita, OK) at approx. mile post 286  
2:50pm (EST) / 1.50pm (CST): Truck passes trough Oklahoma turnpike toll plaza.

3:33 pm-4:36pm (EST) 2:33pm-3:36pm (EST) Break 11; Exit 218, Tulsa, OK  
Truck fuels at QT gas station

5:24 pm (EST) / 4:24pm (CST): Truck passes trough Oklahoma turnpike toll plaza.

8:07pm-8:51pm (EST) / 7:07pm-7:51pm (CST) Break 12; Exit 283 I-40 west, Flying J Travel Plaza, Sayre, OK.

10:05pm-10:55pm (EST) / 9:05pm-9:55pm (CST) Break 13; Rest area in Texas, approx. mile post 130 on I-40 west

Sunday January 27, 2008

11:25pm-12:35am (EST) / 10:25pm-11:35pm(EST) Break 14; Truck exits onto Business RT 40 near Groom, TX.

The truck pulled onto the burm of the entrance ramp for I-40 west and took a one hour and ten minutes nap.

2:05am-2:12 am (EST) /1:05am-1:12am (CST) Break 15; “Rip Griffin” Gas station in Tulia, TX on I-27 south

4:05am (EST) / 3:05am (CST) Arrival at Frontier Meats feedlot, Morton, TX