

**MISSISSIPPI BOARD OF ANIMAL HEALTH**

**NOTICE OF SPECIAL MEETING OF BOARD MEMBERS**

Notice is hereby given of the special meeting of the members of the Mississippi Board of Animal Health to be held at 4:30 o'clock P.M. on the 12<sup>th</sup> day of March, 2018 at the Agriculture Building, first floor conference room, 121 N. Jefferson St., Jackson, Mississippi. The meeting will be conducted by means of teleconferencing, and members may attend by telephone, rather than appearing in person. Members may attend by calling 1-877-820-7831, Participation code:845513#. Members of the general public may attend the meeting by coming to the aforesaid address at 121 N. Jefferson St., Jackson, Mississippi at said date and time. The purpose of the meeting will be to decide whether or not to approve the order of the hearing committee entered in the Gregory G. Stanley case.

On this, the 22<sup>nd</sup> day of February, 2018.

  
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STATE VETERINARIAN

Cc: Dept. of Finance and Administration

RESOLVED: That having reviewed the Order of the Hearing Committee, dated February 6, 2018, which was entered in that certain administrative proceeding styled "In the Matter of Gregory G. Stanley, No. 2017-0012-BAH before the Mississippi Board of Animal Health", along with the pleadings and the exhibits admitted into evidence at the evidentiary hearing in that case, which was conducted on January 3, 2018, we do hereby find that said Order of the Hearing Committee is supported by substantial evidence, and we do hereby approve, affirm and adopt said Order as the final order of the Board. We do further appoint Dr. John Blanton, Dr. Betsy Lipscomb and Hon. Gloria Green, Special Assistant Attorney General, to serve as members of the Hearing Committee in that case, nunc pro tunc. The Chairman of the Board or the State Veterinarian is hereby authorized to sign any orders or other documents that may be necessary or desirable to carry out the terms of this resolution.

BEFORE THE MISSISSIPPI BOARD OF ANIMAL HEALTH

IN THE MATTER OF  
GREGORY G. STANLEY



NO. 2017-0012-BAH

ORDER OF THE HEARING COMMITTEE

THIS day this cause came on to be heard on the request of Gregory G. Stanley, Respondent herein, asking for a hearing before the Hearing Committee of the Mississippi Board of Animal Health ("Board"), and we, the undersigned Dr. John Blanton and Dr. Betsy Lipscomb, being Board members, and Hon. Gloria Green, Special Assistant Attorney General, having agreed to serve as the three member Hearing Committee in this case, do hereby find that (i) an administrative complaint was previously filed herein by a livestock inspector for the Board against the Respondent, charging him with several violations of the Board's regulations relative to the movement of horses within the State without said horses being accompanied by a negative equine infectious anemia (EIA) test, commonly referred to as Coggins papers; (ii) a copy of the summons and complaint having been duly served on the Respondent, who thereupon filed a written answer to the charges; and (iii) the State Veterinarian, serving as the Reviewing Officer, having found the Respondent guilty of eight violations of the Board's regulations, and having assessed him with civil penalties in the amount of \$1,200.00.

The State Veterinarian appeared in person for the hearing and was represented by Special Assistant Attorney General, Robert Graves. The Respondent, being fully informed of his right to a hearing before the

Hearing Committee, elected to proceed in the matter and to represent himself.

Having conducted the hearing in the matter and based upon the exhibits, testimony and the evidence presented, the Hearing Committee makes the following findings, conclusions and order:

The Hearing Committee has jurisdiction over the subject matter of these proceedings, as well as the parties hereto. The Board's rules and regulations provide as follows:

Subpart 2 - Administrative Rules  
Chapter 10 - Equine Infectious Anemia  
Sec. 100(2). All equidae, except nursing foals, located on any premises within the state where the public participates in equine activities for any purpose, including, but not limited to, training, breeding, performing or exhibition shall be accompanied by the original copy of a negative current equine infectious anemia (EIA) test. All equidae moving within the state for any reason shall be accompanied by the original copy of a negative valid equine infectious anemia (EIA) test. Equidae being sold at a public sale or sold at a private sale shall have a negative valid equine infectious anemia (EIA) test. Miss. Animal Health Regs., Subpart 2, Ch. 10, Sec. 100(2).

The Committee further finds that on or about June 17, 2017, Respondent attended a horse sale at the Mize Sale Barn in Mize, Mississippi. At that time the Respondent had under his control and possession at least eight head of horses and/or donkeys, which were in his livestock trailer on the sale barn grounds. Ed Meadows, the Board's representative who was present at that sale, asked to see the Respondent's Coggins papers, which would have shown whether the animals were negative for equine infectious anemia. The Respondent refused to produce the said papers on the horses and/or donkeys that

were in his livestock trailer.<sup>1</sup> The Respondent stated that he had the Coggins papers in his truck, but it would cost him "a lot of money" if he had to leave the ring. The Committee does not find the Respondent's excuse to be credible. There were options available to the Respondent to retrieve the papers for Meadows' inspection, including, but not limited to, (i) asking Mr. Landrum, a sale barn employee, to retrieve the papers when Landrum moved the Respondent's truck to another parking lot on the grounds, and (ii) asking Meadows to wait for a few minutes to allow the Respondent to retrieve the papers from his truck.

By failing to make the papers available for Meadows' inspection as set forth above, the evidence establishes that the subject horses and/or donkeys were not accompanied by the "original copy of a negative current equine infectious anemia (EIA) test" as required by the Board's rules and regulations. Each violation of the Board's rules and regulations subjects the offending party to a civil penalty not to exceed \$1,000.00. Miss. Code of 1972, §69-15-65. When more than one animal is involved in an offense, each such animal constitutes a separate violation. Id. The Reviewing Officer found the Respondent guilty of eight violations, for which he was assessed with a civil penalty in the amount of \$150.00 for each violation, for a total of \$1,200.00.

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<sup>1</sup> At the hearing, the Respondent tried to make a distinction between the reference in the complaint to horses and donkeys. However, the Committee finds that in his response to the Complaint, the Respondent acknowledged that he did not produce the Coggins papers as set forth in the Complaint. The Committee further finds that Coggins papers are required for both donkeys and horses and the Complaint provided the Respondent with notice reasonably calculated to apprise Respondent of the nature of the charges pending against him and of the opportunity to be heard to present his objections.

For the foregoing reasons, the Hearing Committee hereby finds that the Order of the State Veterinarian, dated August 24, 2017, is supported by substantial evidence, is fully in accord with the law and the facts, and that it should be affirmed.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Order of the State Veterinarian entered in this cause on August 24, 2017 is hereby affirmed.

ORDERED AND ADJUDGED on this, the 6<sup>th</sup> day of ~~January~~ <sup>February</sup>, 2018.

  
HEARING COMMITTEE MEMBER

  
HEARING COMMITTEE MEMBER

  
HEARING COMMITTEE MEMBER