

JACKIE MCCONNELL:
HISTORY OF VIOLATIONS OF THE HORSE PROTECTION ACT

Formal sanctions have been imposed on Jackie McConnell by the U.S. Dept. of Agriculture pursuant to the Horse Protection Act (HPA), 15 U.S.C. §§ 1821 *et seq.*, on three separate occasions, beginning as early as 1979:

First offense: May 26, 1979, Jackie McConnell, charged as trainer for entering horse named “Threat’s Black Power” in Ninth Annual Fun Show in Shelbyville, Tenn. A USDA Veterinarian classified “Threat’s Black Power” as the ***sorest horse at the show.***¹ The USDA Veterinarian described the horse as having an ***“exhausted, steaming, defeated appearance”*** and testified the horse’s front legs were covered with raised scars that when touched were found to be ***“very sore”*** causing ***“extreme pain.”***² McConnell received a \$750 civil penalty and a 6-month disqualification from Sept. 9, 1985 through Mar. 8, 1986.

Second offense: Sept. 1, 1989, McConnell charged as trainer for entering horse named “Executive Order” (owned by Floyd Sherman) in the TN Walking Horse National Celebration in Shelbyville, Tenn. while sore. McConnell received \$2,000 civil fine and 2-year disqualification from Mar. 19, 1995 through Mar. 18, 1997.

Third offense: Sept. 3, 1998, Jackie McConnell entered “Regal By Generator” in 1998 TN Walking Horse National Celebration in Shelbyville, Tenn., for the purpose of showing or exhibiting “Regal By Generator” while sore. McConnell received a civil fine of \$2,200 and a 5-year disqualification from Oct. 31, 2006 through Oct. 30, 2011.³

**See detailed chart on the following page for details regarding each offense.*

¹ *In re Jackie McConnell, et al*, 44 Agric. Dec. 712, 723 (1985) vacated in part, Nos. 85-3259, 85-3267, 85-3276 (6th Cir. Dec. 5, 1985) (consent order substituted for original order), printed in 51 Agric. Dec. 313 (1992).

² *Id.* at 723. (emphasis added)

³ See USDA Horse Protection Act Disqualification and Civil Penalty List (as of March 15, 2011), Jackie McConnell, Case No. 99-0034. See also *In re: Jackie McConnell* at <http://www.nationalaglawcenter.org/assets/decisions/mcconnell.pdf>, p. 68.

# Offense	Violator	HPA Violations, Penalties, Judicial Decisions & Orders
First Offense	Jackie McConnell	<p><u>Violation:</u> On May 26, 1979 Jackie McConnell (and others) entered and exhibited “Threat’s Black Power” while the horse was sore at the Ninth Annual Fun Show in Shelbyville, Tenn. McConnell was found to have violated 15 U.S.C. § 1824(2) for showing and exhibiting a horse who was “sore” in violation of the Horse Protection Act (HPA or the Act).</p> <p><u>Penalty:</u> McConnell, as trainer, assessed civil penalty of \$750 and disqualified for 6 months.⁴</p> <p><u>Judicial Decision & Final Order:</u> In the court’s final decision and order, findings of facts included that McConnell: “was well-versed in the horse’s characteristics and susceptibility to pain through the use of the training methods and action devices that he employed. The horse was twice cited as being sore while it was in his training, prior to the incident in question. When examined by [USDA Veterinarian] Dr. James, ‘Threat’s Black Power’ appeared to him to be ‘a bad sore horse.’ The horse was in such obvious distress that Dr. James ordered it photographed to show the protective stance it had assumed to keep weight off its painful front forelimbs, as well as its dropped head, and overall dejected appearance. Dr. James classified him as the sorest horse at the show.”⁵ Also, the USDA Veterinarian described the horse as having an “exhausted, steaming, defeated appearance” and observed the horse’s front pasterns to be covered by raised scars which on palpation he found to be “very sore” causing “extreme pain”.⁶</p> <p><u>Disqualification dates:</u> 09/09/1985 – 03/08/1986⁷</p>
Second Offense	Jackie McConnell	<p><u>Violation:</u> Jackie McConnell charged as trainer who entered “Executive Order” in TN Walking Horse National Celebration in Shelbyville, Tenn. on Sept. 1, 1989 while sore.⁸</p> <p><u>Penalty:</u> McConnell assessed civil penalty of \$2000 and received a 2-year disqualification.⁹</p> <p><u>Judicial Decision & Final Order:</u> The Judicial Officer’s findings of fact included that McConnell was at all relevant times the trainer of “Executive Order” who was owned by long-term McConnell client Floyd Sherman, stating: “Mr. Sherman placed ‘Executive Order’ with Mr. McConnell in order to have the horse trained.”¹⁰ The Sherman family (Floyd and Beverly and their daughter Patricia Kelly) have been associated with McConnell since at least 1987 and have a number of documented HPA violations, warning letters, and/or tickets.</p> <p><u>Disqualification dates:</u> 03/19/1995 – 03/18/1997</p>

⁴ *In Re: Jackie McConnell, Chester Gillespie, Sid Maddux, Harold Ray, Ken Shrom, E.B. Tanner, and Robert G. Terrell*, 44 Agric. Dec. 712, 713, 720, 1985 WL 63145 (U.S.D.A.)

⁵ *Id.* at 723. (emphasis added)

⁶ *Id.* at 716. (emphasis added)

⁷ *McConnell, et al. v. United States Dept. of Agriculture*, 51 Agric. Dec. 313 (U.S.D.A.), 1985 WL 260466.

⁸ *In re: Jackie McConnell*, 52 Agric. Dec. 1156 (1993), *aff’d*, *Jackie McConnell, Petitioner, v. U.S. Dept. of Agriculture, Respondent*, 23 F.3d 407, 1994 WL 162761 (6th Cir. 1994) printed in 53 Agric. Dec. 174 (1994).

⁹ *In re: Jackie McConnell and Floyd Sherman*, 52 Agric. Dec. 1156, 1993 WL 761563 (U.S.D.A.) HPA Docket No. 91-162, Decision and Order as to Jackie McConnell filed Sept. 16, 1993.

¹⁰ *Id.*

<i>Third Offense</i>	Jackie McConnell	<p><u>Violation:</u> On Sept. 3, 1998, Jackie McConnell entered “Regal By Generator” in 1998 TN Walking Horse National Celebration in Shelbyville, Tenn., for the purpose of showing or exhibiting “Regal By Generator” while sore.¹¹</p> <p><u>Penalty:</u> McConnell received a civil fine of \$2,200 and a 5-year disqualification.¹²</p> <p><u>Judicial Decision & Final Order:</u> “Jackie McConnell is disqualified for a period of 5 years from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or device, and from managing, judging, or otherwise participating in any horse show, horse exhibition, horse sale, or horse auction.”¹³</p> <p><u>Disqualification dates:</u> 10/31/2006 – 10/31/2011</p>
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***Note:** In addition to McConnell’s history of formal charges by the USDA, McConnell has been cited numerous times by Horse Industry Organizations for activities including soring and violating the terms of his 5-year disqualification. Horse Industry Organization violations are listed below:

Name	Violation	Disqualification Dates	
Jackie McConnell	On horse show grounds in violation of 5-year USDA Disqualification	11/19/2009	05/18/2010
Jackie McConnell	Unilateral Sore	09/12/2006	09/25/2006
Jackie McConnell	Scar Rule	09/06/2005	09/19/2005
Jackie McConnell	NHSC 5 Pt. Exam Score	08/08/2004	08/21/2004
Jackie McConnell	Bilateral Sore	08/31/2003	04/30/2004
Jackie McConnell	Unilateral Sore	10/06/2002	10/19/2002

*Source: www.hpadata.us

¹¹ Jackie McConnell; Cynthia McConnell v. USDA, 65 Agric. Dec. 1121, 1126-27 (U.S.D.A.), 2006 WL 6161821.

¹² See USDA Horse Protection Act Disqualification and Civil Penalty List (as of March 15, 2011), Jackie McConnell, Case No. 99-0034. See also See In re: Jackie McConnell at <http://www.nationalaglawcenter.org/assets/decisions/mcconnell.pdf>, p. 68

¹³ See In re: Jackie McConnell at <http://www.nationalaglawcenter.org/assets/decisions/mcconnell.pdf>, p. 69.