Investigation at the Southwest Livestock Auction & Slaughter Horse Feedlot

Date:
3/10/12

Location:
24 Dalies Road
Los Lunas, New Mexico 87031

Owner:
Dennis Chavez
505-865-4600
505-866-0149 fax

Sale Schedule:
Cattle Auction: Saturdays @ 12:00 noon
Special Horse Sales 4 times/year

Auction Veterinarian:
C.Y. Brasmer DVM
Albuquerque, NM 87120
nmvet@msn.com

According to auction employees, Dr. Brasmer was the veterinarian on site during our investigation. Dr. Brasmer also signs the owner/shipper certificates for the slaughter horses.

Livestock Inspector:
B.J. Winchester
New Mexico Livestock Board
300 San Mateo NE
Suite 1000 Albuquerque, NM 87108
http://www.nmlbonline.com/

The New Mexico Livestock Board is a Governor appointed body of nine people that represent the state livestock industry. The board is empowered to employ inspectors….In rural areas, issues with livestock and livestock cruelty are handled by the livestock inspector. (Source: www.apnm.org/publications/animal_law/State_Resources.pdf)

This information matches the information received by Animals’ Angels during phone calls to the Los Lunas Police Department, the NM Cruelty Task Force of the Attorney General and the Deputy Director of the New Mexico Livestock Board. All confirmed that in the Los Lunas Area the livestock inspector is the only one enforcing animal cruelty laws in regards to livestock. (Horses are considered livestock)

Additional Information:

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Dennis Chavez is New Mexico’s largest kill buyer. According to USDA owner/shipper paperwork, he ships close to 10,000 horses each year to Mexico for slaughter. Chavez uses the Santa Teresa export pens to ship his horses to the different plants. Some of the Mexican plants he delivers to are not approved by the European Union and still slaughter horses with the inhumane Puntilla knife method.

Public records also show that Chavez has committed several violations of the Transport to Slaughter Regulations. (Case # NM10031; TX03234; TX06045 et al.) Paperwork proves that Chavez shipped mares with newborn foals on their side to slaughter, as well as horses with broken legs. Aborted foals were also found inside the trailer. (Source: USDA owner/shipper papers 2010)

Chavez also operates the Southwest Livestock Auction and his own trucking company D C Trucking LLC (DOT #469751). The trucking company received an unsatisfactory rating from the Federal Motor Carrier Safety Administration in 2008. An Out-of-Service Order was issued against the company, which is still active today.

Since then, Chavez uses Montoya Trucking (DOT 444262) to ship his horses. A review of their Safestat data revealed significant safety concerns:

<table>
<thead>
<tr>
<th>Category</th>
<th>Violations</th>
<th>Most Recent Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsafe Driving</td>
<td>14</td>
<td>12/30/11 TX11A40EKCC01</td>
</tr>
<tr>
<td>Fatigued Driving Violations</td>
<td>28</td>
<td>1/9/12 NM3416111062</td>
</tr>
<tr>
<td>Driver Fitness Violations</td>
<td>4</td>
<td>5/25/11 NM3476200678</td>
</tr>
<tr>
<td>Vehicle Maintenance Violations</td>
<td>33</td>
<td>2/2/12 NM3467101471</td>
</tr>
<tr>
<td>Crash without injury</td>
<td></td>
<td>12/14/10 Report NM022186466</td>
</tr>
</tbody>
</table>

Introduction:

The recent investigation was triggered by numerous complaints Animals’ Angels received about the treatment of the animals at the feedlot. Photographs & reports received from an anonymous source showed multiple incidents of inadequate care & extremely emaciated horses:
Severely emaciated horse with Dennis Chavez brand on hip

Prior to shipping to Mexico for slaughter, horses are branded at the feedlot with the Chavez brand.

<table>
<thead>
<tr>
<th>Master No.: 59697</th>
<th>CHAVEZ, DENNIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expiration: 07/01/2014</td>
<td>PO BOX 700</td>
</tr>
<tr>
<td>Brand Location: LHC LHH</td>
<td>LOS LUNAS NM 87031</td>
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</table>

Horse with extremely swollen head, yellow discharge dripping from nostrils and open sore.
Animals’ Angels Investigation:

Dennis Chavez Quarterly Horse Auction 3/10/12-3/11/12

Date:
3/10/12
35 degrees/snowy

Investigators arrived at the auction at 7:19am. The large auction consists of a building with office, staff rooms, auction ring, restaurant and an extensive outside pen area with arena. The pens have no shelter. The larger pens have water troughs. A large amount of hay was piled up in the middle of the pen area, but several of the horse pens had only corn husks to eat. Behind the auction is a large area with piles of dirt and bones, which appeared to be the composting area. There are loading ramps on the front side and in the back of the pen area. It appeared that the ramps in the back were used to unload most of the animals. There is also a small building for the veterinarian. Kill buyer Charles Carter’s truck with a boarded up, single deck trailer was observed parking empty in lot directly in front of auction entrance.

11:00am: Inside the extensive pen area, one of the pens held male horses that appeared to be newly gelded. Several had swollen penises, and dried blood staining both inner back legs.
Multiple horses were found in bad condition (emaciated, untreated wounds, open cuts, lame, strangles, eye injuries), too many to be included in this report.

Examples:

One very thin grey has untreated, deep, lacerations to both eyes. He is believed to be blind in his right eye, and has limited vision in his left. He stayed close to a chestnut, which he used as a “seeing” companion. His entire body was covered with marks. Marked with slaughter tag, and large “X”, he could have been one of the many rejects. Even with apparent unkind handling, this horse licked the investigator’s hand.

In the same pen, a group of 3-4 Thoroughbreds was observed. One very emaciated, older TB (lip tattoo not clear), had teeth so overgrown they protruded from his mouth. It is questionable that he was able to eat at all. He was very weak.
Feedlot horses began to deteriorate even further in condition as investigators headed toward the downhill area of the pens. An aborted foal was seen, along with an extremely thin/emaciated (BCS 1) bay horse barely able to hold itself up.

In the last pen on the right hand side of the main alley, 4 horses were down, unable to rise and in obvious distress:

1) A light grey mare was pawing in agony at the ground near water trough. She had dug deep trenches in the ground. She was lifting her head and biting her tongue.
2) A severely emaciated palomino mare

3) A extremely emaciated light bay/buckskin mare with blaze

4) A severely emaciated, light grey mare with black spots attempted to get up numerous times, but was falling back to the ground each time, unable to stand. Open, bleeding wound on hips.
After documenting the situation, investigators left to locate the auction veterinarian. When they arrived at the small building they had seen earlier, they noticed a small table with multiple blood samples for Coggins Testing. An individual at the building informed them that the veterinarian had been there all morning, but left and would not return for another 30 minutes.

Investigators proceeded to the office and alerted the office staff about the condition of the horses and requested that they were euthanized immediately. They were informed that the veterinarian would not return for another hour.

After approx. 20 minutes, an older gentleman came out of one of the rooms behind the office and approached the investigators. Without introducing himself, he briefly questioned the investigators and then agreed to join them to check the pen area.

While walking, he defiantly defended Dennis Chavez, even stating that he would “rescue” horses and that he was “giving them a chance to live”. Only after being asked to identify himself, he confirmed that he indeed was an inspector for the New Mexico Livestock Board, named “BJ” [Winchester].

After the investigators had informed him about the 4 horses dying and in need of immediate euthanasia, he stated that he was not going to “push Dennis” to stop the sale in order to help the horses. He also stated that the veterinarian would not look at the horses that day.

He made it very clear that he was not going to do anything right away and that the sale would not be interrupted. The investigators insisted on immediate euthanasia and argued with the inspector all the way down to the pen.

Meanwhile, the light grey mare next to water trough had died without assistance. BJ briefly looked at her and still did not indicate that he would take any action. Instead, he asked the investigators if they were “animal rights people”.

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Suddenly a pen worker arrived in a bobcat and offered to shoot the remaining horses immediately. Put on the spot by the workers spontaneous offer, BJ finally gave the go-ahead to shoot the remaining 3. The worker then proceeded to tell the investigators that the horse with the bleeding wound had already been down the night before. He also admitted that he had wanted to put the horse down in the early morning, but that there had just been “too much to do” with the ongoing horse sale.

The investigators were told they could not watch the euthanasia, but they observed from a distance that the worker really took care of the horses right away. Afterwards, he removed their bodies with the bobcat, and dumped them behind the high stacks of hay bales near the quarantine pen.

**New Mexico Law states that:**

<table>
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<tr>
<th>30-18-1. Cruelty to animals;</th>
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<td>1. negligently mistreating, injuring, killing without lawful justification or tormenting an animal; or</td>
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<td>2. abandoning or failing to provide necessary sustenance to an animal under that person’s custody or control.</td>
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<th>30-18-14. Livestock crimes; livestock inspectors to enforce</th>
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<td>Livestock inspectors who are certified peace officers shall enforce the provisions of Chapter 30, Article 18 NMSA 1978 and other criminal laws relating to livestock</td>
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As such, it is the duty of the Livestock Inspector present at the sale to check the condition of all horses inside the pen area and ensure that dying animals are euthanized in a timely manner. Inspector Winchester was wantonly negligent in allowing the obvious suffering of the horses to continue until an auction employee volunteered to euthanize the suffering horses. Additionally, he should have initiated cruelty charges against Dennis Chavez for negligently mistreating these horses.

Chavez as the owner of the feedlot has the duty of care and needs to ensure that all animals are given at least the minimum standards the law requires. The fact that these horses are slaughter horses does **not exclude them from the protection of the law.**

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