Investigation of auctions, slaughter horse collecting stations and transport in the Midwest

1. Kalona Auction, IA

I. General Information

Date:
8/6/2012

Location:
Kalona Sale Barn
121 9th Street
Kalona, IA 52247
www.kalonasalesbarn.com

Sales:
- Horse sale: first Monday of each month 11:00am
- Sheep, goat, pig, poultry and small animal sale: Wednesdays 9:00am
- Cattle sale: Thursdays 9:00 am
- Exotic animal sale held once a year

Owner/Manager:
Devin & Lavaughn Mullet

Auction Veterinarian:
Dr. Forthmann

Information about the auction:
According to their website, the auction’s horse sale is the largest in the Midwest. There are two auction rings, a restaurant and a large office.
The animals are kept in an extensive indoor/outdoor pen area. A catwalk oversees the main barn. All riding horses require a current negative coggins test within 12 months of the date the blood was drawn. Testing can be done at the Sale Barn for a fee of $25.00 per horse, there is a federal lab on site. The “loose pen” horses do not require a coggins test.

II. Observations:

8:45am:
The parking lot of the auction was already crowded with pick-up trucks and stock trailers from Iowa and the surrounding states. The tack sale had already started. In front of the auction, flea market items and farm equipment were piled up and auction visitors were examining the items. At the loading ramps a long line of trucks was waiting to unload their horses. Just like it was observed during the last visit, all “loose” horses were put into the outside pen area. A sign over the loading ramp stated that all “loose” horses were being sold “as is”
The investigators walked over to the outside pens and noted that all with the exception of one pen were covered with tarps to offer sun protection. Hay and water were available.

Horses of all sizes, breeds and ages were put together in these pens causing agitation. The more dominant horses were trying to guard the hay in the middle of the pen and a lot of kicking and biting was observed. Several horses had fresh cuts and bite marks, one horse was limping. Another horse had a swollen right front knee and was severely limping. Several horses were thin.
10:00am-1:00pm
Investigators walked the parking lot to check for the presence of kill buyers. They located the truck & single deck trailer of Scott Kurtenbach (DOT 866460) from Lawler, IA parked in front of the loading ramp. The truck of slaughter buyer Keith Tongen from Brownton, MN (DOT 447051) was also present.

4:15 pm – 5:50pm
The riding horse sale ended and the auction employees started moving the “loose” horses closer to the auction ring. An older worker was observed hitting horses very hard with his stick. The horses were very agitated and a lot of fighting, kicking and biting took place. The horse with the swollen knee was among them, he walked very carefully and tried to stay away from the fighting horses.
In the outside pens, a worker was observed pulling shoes off the loose horses, likely in preparation for their final destination, the slaughter plant.

5:45 pm
The “loose” horse auction started. The employees moved large groups of horses to a chute leading to the auction ring. Right before the ring entrance, the horses were segregated by hydraulic gate. One auction worker operated the extremely loud & heavy gate with the push of a button. The horses were terrified and panicked. Several were crushed by the gate or crashed into the gate with full force; others hit their heads on the metal tubing; some appeared dazed after hitting the gate. (Video documentation available)

The horses sold very quickly, with a new horse entering the auction ring approx. every 20 seconds. A silent audience watched as the small group of kill buyers battled over the approx. 350 horses passing through the ring. Three buyers using numbers 97/800, 47/48 and 44 bought the majority of the horses.
After the sale ended, investigators observed the loading ramps and waited for trucks to arrive to load the horses. Nothing happened. Scott Kurtenbach’s and Keith Tongen’s trucks were among the last ones to load, but no other trucks arrived to pick up horses. The horses were moved back to the outside pens and stayed there for the night.

8/7/12
Investigators returned to the auction at 8:00am. A blue truck with a single deck trailer was backed up to the loading ramp. The trucking company was 4 G Trucking LLC (DOT 2270223) from Forest City, MO. Shortly thereafter, he started loading horses and left the auction at 8:55am. Investigators followed the truck, which was heading south. The horses were very agitated and they could hear them kicking against the sides of the trailer. After 30 minutes, investigators returned to the auction to see who else would be coming in to pick up horses.

10:00am
Back at the auction, another semi with single deck trailer was backed up to the loading ramp. He was identified as Sweeting & Sons LLC (DOT 2134469) from Riverside, IA. He finished loading at 11:15am, pulled away from the dock and headed into the office. The truck left the premises at 11:28am and started heading east.
Again, investigators followed the truck, which started heading south at 11:50am. One hour later, the truck crossed into Missouri and continued driving south/west. Investigators followed the truck until he crossed into Oklahoma at 7:45pm and then turned around to return to Kalona.

8/8/12
9:53am
A Canadian truck with single deck trailer left the auction loaded with horses. The trailer had Quebec licence plates and the trucking company was G. Nadeau Express Inc. (DOT1346999) from Ste-Apolline, QC. The horses were extremely agitated and the truck was driving 10 Miles below the speed limit. The truck started heading north on Route 1. Thirty minutes later, the driver pulled into a rest area to check the horses.

To the investigators surprise, the truck continued to drive north and headed into Minnesota, which made the Quebec slaughter plants an unlikely destination. They continued to follow the truck for another six hours, until it became obvious that the truck was either heading to the slaughter plant in Alberta or the feedlot in Shelby, MT. Both of these locations are over 1300 Miles away from Kalona.
2. Keith Tongen Slaughter Horse Collecting Facility, Brownton, MN

I. General Information:

Keith Tongen is a large scale kill buyer, owner/shipper papers confirm that he ships approx. 3600 horses per year to the Viande Richelieu slaughter plant in Quebec. Tongen has been in the slaughter business for a very long time and has violated the Commercial Transport of Equines to Slaughter Regulation several times. (Case #: IA06040; IL08010; MN03021; MN05041)

On October 27, 2007, a double deck horse trailer delivering 59 Belgian draft horses Tongen had purchased at an “Amish community in northern Indiana” tipped over, and 18 horses died as a result of the crash. Tongen was charged with four counts of cruelty to animals and one count of animal owner duty. Tongen pleaded guilty to one count of reckless conduct and Lake County Circuit Court Judge Philip Lawler later sentenced him to two years supervision and $1,000 in fines.

A search of Tongen’s DOT revealed multiple violations, with a fatigued driving rating of 95.8%. (Threshold 65% - carrier is prioritized for intervention)

<table>
<thead>
<tr>
<th>Violation</th>
<th>Description</th>
<th># Total Violations</th>
<th># OOS Violations</th>
<th>Violation Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>395.3(a)(1)</td>
<td>Requiring or permitting driver to drive more than 11 hours</td>
<td>1</td>
<td>1</td>
<td>7</td>
</tr>
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<td>395.3(a)(2)</td>
<td>Requiring or permitting driver to drive after 14 hours on duty</td>
<td>1</td>
<td>1</td>
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<tr>
<td>395.8</td>
<td>Log violation (general/form and manner)</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>395.8(a)</td>
<td>No driver's record of duty status</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>395.8(f)(1)</td>
<td>Driver's record of duty status not current</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

II. Observations

Investigators arrived at the premises at 9:00am. Keith Tongen’s blue semi with single deck trailer was parked in the driveway. The premises consist of a single family home, several barns and an extensive pen area. A large amount of straw and hay was stored next to one of the barns.
Inside the pens, approx. 60 horses were gathered around hay feeders, most of them had auction tags still attached. Quarter horses, draft horses with 4 digit numbers on their shoulders, ponies and thoroughbreds were visible. The majority of the horses were in good condition. A chestnut mare was observed with an open wound on her right shoulder.

Investigators monitored the premises for several hours, but there was no activity.
3. Kurtenbach Slaughter Horse Collecting Facility, Lawler, IA

I. General Information:

Scott Kurtenbach, d/b/a/ Kurtenbach Livestock is one of the largest kill buyers of the Midwest and engaged in shipping horses to slaughter since 2004. According to public documents he ships thousands of horses per year to slaughter.

Kurtenbach used to deliver his horses to Norval Meats in Proton Station, Ontario and has violated the Commercial Transport of Equines to Slaughter Regulations several times. (IL04273, IL05001, WI05008, IL06062, IA08028, IA 09019, IA 10023) Kurtenbach is one of the more severe offenders, since his violations include shipping horses unable to bear weight on all four legs, with large cuts or other severe injuries. Several horses obtained transport injuries. One horse had to be condemned due to gangrene and septicemia. In 2009, a settlement was reached and Kurtenbach was ordered to pay $7,500.
A search of Kurtenbach Livestock LLC on the Safer Website reveals numerous violations:

<table>
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<th># OOS Violations</th>
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<tbody>
<tr>
<td>395.8(a)</td>
<td>No driver's record of duty status</td>
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<td>5</td>
</tr>
<tr>
<td>395.8(f)(1)</td>
<td>Driver's record of duty status not current</td>
<td>2</td>
<td>0</td>
<td>5</td>
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<tr>
<td>391.45(b)</td>
<td>Expired medical examiner's certificate</td>
<td>2</td>
<td>0</td>
<td>1</td>
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<tr>
<td>392.25</td>
<td>Speeding</td>
<td>4</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

II. Observations

8/9/12

Investigators arrived at the location at 4:00pm. The premises consist of a single family home surrounded by a manicured lawn and two large barns. Several single and double deck trailers with boarded up sides and trucks were parked on the premises. Among them were the white Kurtenbach truck (DOT 866460) investigators saw at the Kalona auction earlier that week and his silver/blue Semi. Also visible was a Barrett Silver Star trailer with Quebec plates (O’Rourke Transport Inc.; DOT 731887; inactive in Safer Database) and a tractor/trailer from ANS.

Next to the barn was a pen area/dry lot, which contained at least 120 horses. In the back, round bales of hay were piled up. Several of the pens were very overcrowded, giving the animals hardly any room to move around. Multiple horses with auction tags still attached were visible. One pen contained a donkey. Several horses were thin.
Right next to the premises, investigators found what appeared to be piles of horse bones.

At 4:45pm, the ANS truck connected to the O’Rourke trailer and then left the premises empty. There was no more activity afterwards. When investigators returned the next day, the white Kurtenbach truck and trailer had just pulled into the premises. A blue semi with boarded up double deck trailer was parked next to the barn.
There was a lot of activity, trucks coming and going and horses were being moved. It became very obvious that Kurtenbach has not slowed down shipping horses to slaughter and that his activities need to be monitored.

4. Mike O’Connell Slaughter Horse Collecting Station, Mobridge, SD

I. General Information

Mike O’Connell from Mobridge, SD, has been in the horse slaughter business for 40 years and ships thousands of horses to slaughter every year. [Link](http://www.foxnews.com/story/0,2933,458268,00.html#ixzz20DfWw51w)

O’Connell attends auctions all across the Midwest/Southwest and is a regular visitor at the Southwest Livestock Auction in Los Lunas, NM.

II. Observations

8/11/12-8/13/12

Investigators arrived at the premises at 1:00pm. The property appeared run-down, with a lot of old cars, equipment, metal parts and other trash scattered around rusted barns and a single wide trailer. A small loading ramp was located next to the barn. Approx. 50 horses and a few goats were visible in manure covered pens behind the barn. Large manure piles were everywhere. Several of the horses were thin.
More horses, mostly pregnant mares with foals by their side, were observed in the surrounding fields. Both the fields as well as the pens contained rusted metal and equipment, which puts the horses at risk of obtaining serious injuries.
Several smaller horse trailers were parked on the premises. No tractor/trailers were observed, but there were several trucks with double or single deck trailers parked on the property across the street. A woman was observed providing hay to the horses. Investigators monitored the premises several hours, but there was no activity.

5. Musick Slaughter Horse Collecting Facility, Mitchell, SD

I. General Information

Musick Livestock has been in the business for a very long time and has violated the Commercial Transport of Equines to Slaughter Regulation several times. (case # SD03005; SD09005; TX03114; TX03229; TX05153; TX05258) All these violations were resolved by settlement agreement and resulted only in total fines of $1600.00.

Documents obtained via Freedom of Information Act Request also show that Musick is responsible for transporting draft horses with insufficient head room (36 hour long transport) and for loading a Chestnut with a Body Condition Score of 1. The poor horse was so emaciated that it was condemned post mortem at the plant. There is no indication of any punishment for these violations.

Musick Livestock stopped transporting horses to Canada in 2009 and is now shipping slaughter horses to Mexico via the Eagle Pass export pen.

Musick Livestock LLC (DOT 844) operates five trucks. A review of available DOT data revealed several violations:

<table>
<thead>
<tr>
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<th># OOS Violations</th>
<th>Violation Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>395.8(k)(2)</td>
<td>Driver failing to retain previous 7 days' logs</td>
<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>392.2S</td>
<td>Speeding</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>392.2-SLLS2</td>
<td>State/Local Laws - Speeding 6-10 miles per hour over the speed limit</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
</tbody>
</table>

II. Observations:

Musick Livestock is located in a residential area next to apartments and a golf course. The Musick family also operates a real estate company (“Musick Properties”) at the same location. A large statue of a beautiful horse and the slogan “horses bought daily” advertises the business.

The property consists of an office building, a barn, a pen area and surrounding fields. A loading ramp is visible next to the pen area.

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When investigators arrived at the location, there were approx. 50 horses visible in the pen area and the adjacent fields. Large piles of manure in and around the pen area were observed.

Musick’s Semi and a double deck trailer with boarded up lower level was parked on the premises, as well as several single deck trailers and pick-up trucks with stock trailers.

Most of the horses visible were gathered around what appeared to be low quality hay. Several were thin and had scratches or bite marks on them.

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Investigators observed the premises for several hours, but there was no activity. When they returned the next morning, the semi with the double deck trailer was gone and it appeared that there were fewer horses in the pen area. Animals’ Angels will continue to monitor the premises.

**Conclusion:**

The investigation revealed that the Midwest is home to several, large scale kill buyers that ship hundreds of horses to slaughter every single month. Large slaughter sales, such as the Kalona auction, provide a steady supply for these buyers. The investigation and the research conducted by Animals’ Angels also show that most of these buyers have already violated cruelty laws and/or transport regulations. The Midwest deserves our full attention.