

## **Animals' Angels USA**

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**ANIMALS' ANGELS**

we are there with the animals

## **Misner & Sons Rodeo Company and the slaughter horse trade – An Animals' Angels investigation**

### **Introduction:**

In California the buying and selling or the export of horses for the purpose of slaughter for human consumption is illegal. A person breaks the law if she or he knows or **should have known** that the horse he/she sold will be slaughtered for human consumption.

#### **CA PENAL § 598c**

##### ***Horse slaughter for human consumption***

*(a) Notwithstanding any other provision of law, it is unlawful for any person to possess, to import into or export from the state, or to sell, buy, give away, hold, or accept any horse with the intent of killing, or having another kill, that horse, if that person knows or should have known that any part of that horse will be used for human consumption.*

*(b) For purposes of this section, "horse" means any equine, including any horse, pony, burro, or mule.*

*(c) Violation of this section is a felony punishable by imprisonment in the state prison for 16 months, or two or three years.*

The aim of the investigation was to determine if California horse trader David Misner, d/b/a Misner & Sons Rodeo Company, ships & sells California horses knowing that some of these horses will be shipped to slaughter by the person who bought the horses from him. Since 2008, Animals' Angels has investigated buying and selling habits, condition of horses purchased, conditions at the feedlot and the locations chosen by Misner to sell his horses.

Additionally, the individuals buying horses from Misner were investigated to determine if they were buying these horses for slaughter. Records of an USDA/IES investigation, owner/shipper papers as well as consignment records were obtained from USDA, California authorities and the New Mexico Livestock Board via Freedom of Information Act request.

### **Observations at the Misner feedlot:**

#### **Feedlot Location:**

Chino, CA

The approx. 4.5 acre property contains a dilapidated barn and a pen area. The pens are made from pieces of pipe corral and pipe gates, secured with bailing twine. There is no shelter available for the majority of the horses. Pieces of junk and broken piping were visible inside the pen area. There were between 80-120 horses of all ages and breeds on the premises during the time of the observation. Several horses were in very poor condition.



## **Observations at California Auctions:**

**Euclid Auction:**  
14185 S. Euclid Ave  
Chino, CA 91710

We observed the auctioneering and noted that the majority of horses sold for less than \$100 were bought by David Misner, who was referred to as “DM” by the auctioneer. While sitting in the stands we overheard comments like “Oh no, it is going to the meat man” or “That poor horse”, every time Misner purchased one of the horses. The final 20 horses entered the ring only momentarily before the auctioneer announced their purchase by DM. Misner bought approx. 30 horses of all ages, genders and breeds that night. No common denominator could be identified other than the fact that he was bidding only on the cheap horses.



*Misner's trailer loaded with horses bought at Euclid Auction*

**Mike's Auction:**

10410 Old Limonite Way  
Mira Loma, CA 91752  
[www.mikesauction.com](http://www.mikesauction.com)

Again, David Misner was observed maintaining a presence in the auction ring, again buying many of the cheap horses. The next day, he returned to the auction with an empty trailer and picked up approx. 15-18 horses.



*Misner loading at Mike's auction*



*Horses bought at Mike's Auction inside Misner's trailer*

## **Observations at Southwest Livestock Auction, Los Lunas, NM**

### **Southwest Livestock Auction**

24 Dahlies Road  
Los Lunas, NM 87031

The Southwest Livestock Auction is operated by Dennis Chavez, who is one of the largest kill buyers in the country. According to USDA owner/shipper papers, in 2010 Chavez shipped 9832 horses to Mexico for slaughter.<sup>1</sup> While Chavez does re-sell a few horses to private individuals, the numbers are insignificant compared to the number of horses he ships to slaughter.

There is solid evidence available since 2008 that David Misner is selling California horses to Chavez. In April of 2008 the USDA was contacted by the California Department of Agriculture and was informed that the Ontario Police Department had received a complaint about David Misner allegedly selling horses to slaughter. An IES investigation was launched. (See Exhibit I for details)

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<sup>1</sup> Exhibit A: USDA Owner/Shipper papers Dennis Chavez 2010



On August 8, 2008 an IES investigator visited Southwest Livestock Auction and took a statement from Dennis Chavez. **Chavez actually admitted to the USDA/IES investigator that he was buying horses from Misner and that some of them were shipped to slaughter.**<sup>2</sup> - **A surprising statement, given the fact that he admitted to a state appointed Humane Officer during a 1999 investigation in California that he was aware that it is against CA law to buy any CA horse for slaughter.**<sup>3</sup>

However, the IES investigator failed to question or act on any of the information received. He never checked how many of the horses Chavez bought from Misner really ended up at the slaughter plant. He did not question the fact that Chavez told him that “there were probably not any records kept of these purchases [from Misner]”. He did not check how many horses Chavez buys every month and how many of these horses end up at the slaughter plant – otherwise he would have realized immediately that the overwhelming majority does. Additionally, Chavez told the investigator that he buys horses from Misner 4 times/year. Everyone who attends the auction and looks at the horses inside the Chavez feedlot, has to know that Chavez is in the slaughter business – not only because of the poor condition of many of the animals, but also due to the fact that many of them already have the USDA slaughter tags prominently attached to their hip. As a regular auction attendee, Misner **should have known** that every horse he sold to Chavez for less than \$300.00 was at immediate risk of being shipped to slaughter. Why did the investigator apparently not consider this?

In 2011, Animals’ Angels documented Misner selling horses at the Southwest Livestock auction on August 13/14, 2011 and on October 15/16, 2011. Consignment records obtained from the New Mexico Livestock Board confirm these observations. According to these records, Misner has been selling horses at the auction approx. four times/year.<sup>4</sup> Some of Misner’s consignment records appear to show the buyer number of Dennis Chavez (DC 10) on them.



*Misner’s truck at Southwest Auction*

<sup>2</sup> Exhibit B: USDA/IES Investigation 2008 Interview with Dennis Chavez

<sup>3</sup> California Investigation 1999 Case 99-4-14(A)

<sup>4</sup> Exhibit D: Misner Consignment & Brucellosis Test Records, New Mexico Livestock Board



*David Misner & Dennis Chavez inside auction ring*

Video footage from the auction shows that Misner maintains a prominent presence in the auction ring and spends a lot of time talking to Chavez. They appear to know each other very well.

**Observations at Rio Grand Classic Auction, El Paso, TX:**

**Rio Grand Classic Auction**

11870 Gateway East  
El Paso, TX 79927

The Rio Grand Classic Auction is actively engaged in the horse slaughter trade. USDA owner/shipper paperwork confirms that the auction is shipping horses to Mexico for slaughter.<sup>5</sup> The auction holds a monthly horse sale. David Misner was observed unloading horses at the sale on multiple occasions.



<sup>5</sup> Exhibit E: USDA Owner/Shipper List 2011



When questioned by an USDA/IES investigator in 2008, a representative of the auction confirmed that Misner was selling horses through the auction and provided sales sheets showing that Misner sold 10-14 horses at the sale for 4 consecutive months.<sup>6</sup>

While she admitted that the Rio Grand Classic Auction is frequented by 3 slaughter buyers on a regular basis<sup>7</sup>, there is no record of her disclosing to the USDA/IES investigator that the auction itself was shipping over hundred **horses a month to slaughter in Mexico.**<sup>8</sup>

Again, the investigator did not double-check any of the information provided by the auction. He concluded that the people who bought the horses from Misner according to the sales receipts were no kill buyers, because their names did not match the kill buyer names that the auction had given him.<sup>9</sup> There is no indication in the investigation records that he conducted his own research to identify kill buyers shipping from El Paso – which could have easily be accomplished by reviewing USDA owner/shipper paperwork and health certificates. He also apparently did not bother to check if **all** the horses Misner brought to the auction really went through the sale.

## **Conclusion:**

Combined evidence from Animals' Angels investigations and Freedom of information Act requests shows that California horses shipped and sold by David Misner were sent to slaughter in Mexico. It is reasonable to assume that Misner knew or at least should have known that his horses were at risk of being shipped to slaughter, especially the ones he sold directly to Chavez without running them through the auction.

The 2008 USDA/IES investigation lacks necessary confirmation of the information received from the witnesses. There is no indication of any additional research or double-checking of information.

Animals' Angels believes that based on all the information available, a new, more thoroughly conducted investigation carried out by California authorities with support of IES is warranted.

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<sup>6</sup> Exhibit F: USDA/IES investigation 2008 Misner sale records Rio Grand Classic Auction

<sup>7</sup> Exhibit G: USDA/IES Investigation 2008 Interview at Rio Grand Classic

<sup>8</sup> Exhibit H: USDA owner/shipper papers for Rio Grand Classic Auction

<sup>9</sup> Exhibit I: USDA/IES investigation 2008 summary of investigative findings