

Wagner, Scott - FSIS

From: Wagner, Scott - FSIS
Sent: Saturday, February 25, 2012 4:01 PM
To: [REDACTED]@yahoo.com; Gallegos, Anna - FSIS
Cc: Nelson, Ron - FSIS
Subject: Re: NOS

Mr. De Los Santos,

I have received your letter. I absolutely respect your right to appeal. This was based on Dr. [REDACTED] observations. I will be glad to review any information you can provide. If you can send anything this weekend, I will look at it. Thank you.

Scott T. Wagner, DVM-----

Sent from my BlackBerry Wireless Handheld

From: Sarah De Los Santos [mailto:[REDACTED]@yahoo.com]
Sent: Saturday, February 25, 2012 04:16 PM
To: Wagner, Scott - FSIS; Gallegos, Anna - FSIS
Subject: Re: NOS

Greetings Dr. Wagner,

Can I expect an answer or an acknowledgment of my letter sent to you last evening regarding the NOS at Est. 7299? Dr. [REDACTED] told me that you would be available throughout the weekend to work on this matter with me. Please advise.

Sincerely,

Ricardo De Los Santos

--- On Fri, 2/24/12, Sarah De Los Santos <[REDACTED]@yahoo.com> wrote:

From: Sarah De Los Santos <[REDACTED]@yahoo.com>
Subject: NOS
To: scott.wagner@fsis.usda.gov, anna.gallegos@fsis.usda.gov
Date: Friday, February 24, 2012, 8:48 PM

Dear Dr Wagner,

This letter serves as my written notice of plans to appeal the NOS and also to request a hearing to this suspension of my assignment of inspectors. I do not agree that this suspension was based on my companies' failure to meet regulatory requirements in regards to the humane handling of animals during slaughter.

Your written statement of the facts that occurred at establishment 7299 do not coincide with the statements of the employees involved in the handling and slaughter of said animal. It is established by two or more witnesses at site of slaughter that said animal was down and rendered unconscious by the third shot and confirmed by checking corneal reflexes by employee that was stunning and only then was a fourth shot applied as a precautionary measure. Due to vapor visibility from nostril of said animal, a fifth shot was ordered by IIC, employee followed the order. Postmortem findings on skull have been saved for expert evidence of the penetrating shots.

Based on my findings today, I conclude that the suspension is unwarranted and that this animal, weighing approximately 2800 lbs live, was handled and slaughtered by carrying out humane methods only.

I have been out of the office this week due to back surgery, but I will be in the office on Monday, February 27, to proceed with my appeal and request for a hearing concerning this very important matter.

Sincerely,

Ricardo De Los Santos
Valley Meat Company EST 7299
575-622-1214