

Wagner, Scott - FSIS

From: Nelson, Ron - FSIS
Sent: Sunday, February 26, 2012 12:19 PM
To: Wagner, Scott - FSIS
Subject: Fw: NOS

From: Nelson, Ron - FSIS
Sent: Sunday, February 26, 2012 01:02 PM
To: Tawadrous, Armia - FSIS; Nelson, Ron - FSIS; [REDACTED] - FSIS
Subject: Fw: NOS

These folks might call you. We have talked to the vet (Dr. [REDACTED] and we believe her account. This was a huge bull and neither firearm was sufficient. We are offering to conference with them, the vet, and FLS tomorrow. We are telling them their hearing rights but saying that will take some time so if they want to operate soon, they better prepare correctiva/preventatives.

From: Wagner, Scott - FSIS
Sent: Saturday, February 25, 2012 09:18 PM
To: Nelson, Ron - FSIS
Subject: Re: NOS

I'll see if I can set something up.
Scott T. Wagner, DVM-----
Sent from my BlackBerry Wireless Handheld

From: Nelson, Ron - FSIS
Sent: Saturday, February 25, 2012 08:16 PM
To: Wagner, Scott - FSIS
Subject: Re: NOS

If [REDACTED] is solid then we back her. A conference call with all parties might be a good move. Have you discussed the company version with [REDACTED] That's the first step

From: Wagner, Scott - FSIS
Sent: Saturday, February 25, 2012 08:35 AM
To: Nelson, Ron - FSIS
Subject: Re: NOS

Last time, I believe what she said in the MOI did not support what was said on the phone. What she wrote this time did. Basically, neither their primary or backup gun worked. According to Dr. [REDACTED] the animal went down after the third shot, but was still not insensible. I'm not sure how to address this. The plant story is different than what Dr. [REDACTED] said. Nevertheless, if they are going to kill huge bulls, they have a responsibility to use a big enough gun.
Scott T. Wagner, DVM-----
Sent from my BlackBerry Wireless Handheld

From: Nelson, Ron - FSIS
Sent: Saturday, February 25, 2012 07:47 AM

To: Wagner, Scott - FSIS
Subject: Re: NOS

Remember last time!!

From: Wagner, Scott - FSIS
Sent: Saturday, February 25, 2012 07:12 AM
To: Nelson, Ron - FSIS
Cc: Gallegos, Anna - FSIS
Subject: Fw: NOS

FYI. This does not agree with what Dr. [REDACTED] said.
Scott T. Wagner, DVM-----
Sent from my BlackBerry Wireless Handheld

From: Sarah De Los Santos [mailto:[REDACTED]@yahoo.com]
Sent: Friday, February 24, 2012 09:48 PM
To: Wagner, Scott - FSIS; Gallegos, Anna - FSIS
Subject: NOS

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