

**Wagner, Scott - FSIS**

---

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

This is what I propose sending him. Any thoughts?

Mr. De Los Santos,

After due consideration of your notification that you wish to appeal the suspension action of February 24, 2012, I must inform you that we stand by our decision at this time. You certainly have the right to appeal this matter to Dr. Armia Tawadrous, Executive Associate for Regulatory Operations, and I in no way wish to discourage you from doing so. You may also request a hearing as outlined in the suspension letter. Should you wish to resume slaughter operations while waiting for the outcome of these processes, please provide a corrective action plan to that will ensure that all animals will effectively be rendered insensible by a single blow or gunshot, regardless of the animal's size. If you would like to discuss this situation, I can arrange a conference call with all parties tomorrow morning. I will be in the office at 7:00 am, and am available by e-mail today. Thank you.

*Scott T Wagner, DVM*  
Deputy District Manager  
USDA, FSIS, OFO, Denver  
(303) 236-9803  
(720) 201-6357 cell  
scott.wagner@fsis.usda.gov

---

**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 corrective/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