

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

HPA Docket No. 06-0007

In re: ROGER IVINS and  
RANDY NEBEL

Respondents

**DEFAULT DECISION AND ORDER AS TO RANDY NEBEL**

This proceeding was instituted under the Animal Welfare Act ("Act"), as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that Randy Nebel (hereinafter referred to as "Respondent") willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.).

Copies of the complaint and the Rules of Practice governing proceedings under the Act, 7 C.F.R. §§ 1.130-1.151, were sent via certified mail to Respondent, return receipt requested, on May 15, 2006. The copies were returned to the office of the Hearing Clerk marked "unclaimed" on June 13, 2006. Pursuant to the Act, 7 C.F.R. § 1.147(c)(1), copies of the Complaint and the Rules of Practice were sent by ordinary mail to Respondent on June 16, 2006. Respondent was informed in the letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the complaint would constitute an admission of that allegation. Respondent failed to file an answer within the time prescribed in the Rules of Practice and the material facts alleged in the complaint are admitted.

Accordingly, this Default Decision and Order is entered pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139.

### **FINDINGS OF FACT**

1. Respondent is an individual whose mailing address is 3510 Darnell Drive, Paris, Texas 75462.

2. At all times material herein, Respondent was the owner of the horse known as "J.F.K. Cash Demand" which was entered as 3130, Class No. 147, on August 31, 2002, at the 64<sup>th</sup> Annual Tennessee Walking Horse Celebration Show in Shelbyville, Tennessee.

3. On August 31, 2002, Respondent, in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. §§ 1824(2)(B), (D)), entered and allowed the entry for the purpose of showing or exhibiting of "J.F.K. Cash Demand" as Entry No. 3130, Class No. 147, on August 31, 2002, at the 64<sup>th</sup> Annual Tennessee Walking Horse Celebration Show in Shelbyville, Tennessee.

### **CONCLUSIONS OF LAW**

1. The Secretary has jurisdiction in this matter.

2. For the reasons set forth in the above Findings of Fact, the Respondent Randy Nebel violated the Act.

### **ORDER**

1. Respondent Randy Nebel is assessed a civil penalty of \$2,200.

2. Respondent Randy Nebel is disqualified for an uninterrupted period of one year from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction. Jurisdiction is retained for the limited purpose of enforcement of this paragraph.

The provisions of this order shall become effective on the first day after this decision becomes final. Pursuant to the Rules of Practice, this decision becomes final without further proceedings 35 days after service as provided in section 1.142 and 1.145 of the Rules of Practice, 7 C.F.R. §§ 1.142 and 1.145.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.  
April 18, 2007

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**PETER M. DAVENPORT**  
Administrative Law Judge

Copies to: Brian Hill, Esquire  
Brenda Bramblett, Esquire  
Randy Nebel

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