

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

09-0129
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In re:)
) A.Q. Docket No.: 09-0129
Ryon James Simon,)
) Consent Decision
Respondent.)

This proceeding was instituted under the Commercial Transportation of Equines for Slaughter Act (7 U.S.C. § 1901 note) (the Act) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that respondent Ryon James Simon violated the Act and regulations promulgated thereunder (9 C.F.R. §§ 88 et seq.). The complainant and respondent Ryon James Simon have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondent Ryon James Simon specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below.

Respondent Ryon James Simon waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and
- (d) Any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the respondents in connection with this proceeding.

Findings of Fact

1. Ryon James Simon, hereinafter referred to as respondent, has a mailing address of 8355 295th Street East, Cannon Falls, Minnesota 55009-9272. Respondent is a commercial horse dealer and slaughter horse buyer who ships over 20 slaughter horses to Texas per year.
2. On or about June 27, 2004, 41 horses were being commercially transported for slaughter and one of the horses died during transportation, but no one contacted the nearest APHIS office as soon as possible or allow an APHIS veterinarian to examine the dead equine.
3. On or about April 13, 2005, 44 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

Conclusions

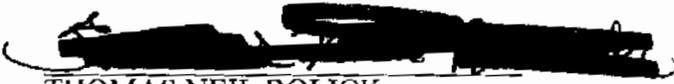
Respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

Respondent Ryon James Simon is assessed a civil penalty of one thousand five hundred dollars (\$1,500.00). Respondent Ryon James Simon shall send a certified check or money order for one thousand five hundred dollars (\$1,500.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, P.O. Box 979043, St. Louis, Missouri 63197-9000, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding.

This Order shall become effective when served on respondent.


RYON JAMES SIMON,
Respondent


THOMAS NEIL BOLICK
Attorney for Complainant

~~_____~~ 6/29/09
SUSAN M. VANCE, Esq.
Attorney for Respondent

Issued this 29th day of June, 2009
at Washington, D.C.

~~_____~~ ~~_____~~
Administrative Law Judge