USDA
OALJ/OHC

2017 NOV 16 AM 9: 18

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	HPA Docket No. 17-0176
	)	HPA Docket No. 17-0177
JOE COOPER, an individual; SCOTT COOPER, an individual; GARY EDWARDS, an individual; LARRY EDWARDS, an individual; KEN MOORE, etc., an individual,	)	HPA Docket No. 17-0178
	)	HPA Docket No. 17-0179
	)	HPA Docket No. 17-0185
	)	
	)	
	)	CONSENT DECISION AND
Respondents.	)	ORDER AS TO RESPONDENT
	)	SCOTT COOPER

This proceeding was instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*)(HPA or Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on January 17, 2017, alleging that the respondents violated the Act.

Respondent Scott Cooper admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, and waives oral hearing and further procedure. The parties consent and agree to the entry of this decision for the purpose of settling this proceeding as to respondent Scott Cooper, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including September 4, 2017. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Findings of Fact

1. Respondent Scott Cooper is an individual residing in [redacted] and at all times mentioned herein was a "person" and an "exhibitor," as those terms are defined in the regulations promulgated under the Act (9 C.F.R. Parts 11 and 12).

2. On or about August 31, 2016, respondent Scott Cooper allowed the showing of a

horse he owned (I'm Judge Roy Bean) in class 137 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Scott Cooper having admitted the findings of fact set forth above, and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent Scott Cooper is disqualified for four months, beginning January 1, 2018, and ending April 30, 2018, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating[1] in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Scott Cooper is assessed a civil penalty of $550, which shall be paid by January 1, 2018, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0177, and sent to:

USDA, APHIS, MISCELLANEOUS
P.O. Box 979043
St. Louis, Missouri 63197-9000

////

////

////

////

////

[1]"Participating" means engaging in any activity beyond that of a spectator in connection with a horse show, horse exhibition, or horse sale or auction, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

The provisions of this order shall be final and effective as of November 13, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[redacted]

Scott Cooper
Respondent

[redacted]

Thomas B. Kakassy
Attorney for Respondent

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 16 day of NOV 2017

[redacted]

Jill S. Clifton
Administrative Law Judge

The provisions of this order shall be final and effective as of November 13, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

Scott Cooper
Respondent

Thomas B. Kakassy
Attorney for Respondent

[redacted]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 16 day of NOV 2017

[redacted]

Jill S. Clifton
Administrative Law Judge

CERTIFICATE OF SERVICE

Scott Cooper, Respondent
Docket: 17-0177

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the (SIGNED) CONSENT DECISION AND ORDER AS TO RESPONDENT SCOTT COOPER has been furnished and was served upon the following parties on November 16, 2017 by the following:

USDA (OGC) - Electronic Mail
Colleen A. Carroll, OGC
Colleen.Carroll@ogc.usda.gov
Ada Quick, OGC
Ada.Quick@ogc.usda.gov

USDA (APHIS) - Electronic Mail
IES Legals, APHIS
IESLegals@aphis.usda.gov
AC RSS Mailbox, APHIS
ac.rss.mailbox@aphis.usda.gov

Respondent(s) – Electronic Mail
Thomas B. Kakassy
P.O. Box 2436
Gastonia, NC 28053
Tel: (704) 867-1795
Fax: (704) 867-1820
Tom@kakassylaw.com

Amy L. Choate
Administrative Assistant
Amy@kakassylaw.com

Respectfully Submitted,

[redacted]

Elluth Morón, Legal Assistant
USDA/Office of Administrative Law Judges
Hearing Clerk's Office
1400 Independence Ave., SW, Room 1031-S
Washington, DC 20250-9203
(202) 720-4443