

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) HPA Docket No. 17-0096
)
Brad Beard, an individual, also known)
William Bradley Beard,)
)
Respondent.)

REC'D - USDA/OALJ/DHC
2020 JUL 8 AM 11:58

AMENDED CONSENT DECISION AND ORDER

The Consent Decision and Order issued on June 24, 2019, is amended by changing the disqualification dates for respondent Brad Beard, an individual, also known as William Bradley Beard, and the date his civil penalty shall be paid, as provided for in this Order.

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), January 10, 2017 (HPA Docket 17-0096), alleging that the respondent violated the Act.

Respondent Brad Beard admits the jurisdictional allegations in the complaint as to him, specifically admits that the Secretary has jurisdiction in this matter, 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 these proceedings as to respondent Brad Beard, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including September 2, 2018. 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 Brad Beard, also know as William Bradley Beard, is an individual residing in Tennessee 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 26, 2016, respondent Brad Beard entered a horse (Spooky Jazz) for showing in class 53 in a horse show in Shelbyville, Tennessee.

3. On or about August 26, 2016, respondent Brad Beard entered a horse (Ritzie General) for showing in class 55 in a horse show in Shelbyville, Tennessee.

4. On or about August 28, 2016, respondent Brad Beard entered a horse (The Dixie Label) for showing in class 94B in a horse show in Shelbyville, Tennessee.

5. On or about August 31, 2016, respondent Brad Beard entered a horse (Nightshades Maiden) for showing in class 139 in a horse show in Shelbyville, Tennessee.

6. On or about September 3, 2016, respondent Brad Beard entered a horse (Gin Fusion) for showing in class 187 in a horse show in Shelbyville, Tennessee.

7. On or about August 25, 2018, respondent Brad Beard showed a horse (Pixie’s Dixie) in class 70B in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Brad Beard 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 Brad Beard is disqualified for three years, beginning December 1, 2020 and ending December 1, 2023, 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 action, directly or indirectly through any agent or other device.

“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.

2. Respondent Brad Beard is assessed a civil penalty of \$3,850, which shall be paid by December 1, 2020 by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0096 and send to:

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

The provisions of this order shall become final and effective on the date of issuance (the date the judge signs the order). This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

Brad Beard
Respondent

Tracey Manoff
Attorney for Complainant

Done this ____ day of ____, 2020

Administrative Law Judge

continue through next document for issuance
↓

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) HPA Docket No. 17-0096
)
Brad Beard, an individual, also known)
William Bradley Beard,)
)
Respondent.)

AMENDED CONSENT DECISION AND ORDER

The Consent Decision and Order issued on June 24, 2019, is amended by changing the disqualification dates for respondent Brad Beard, an individual, also known as William Bradley Beard, and the date his civil penalty shall be paid, as provided for in this Order.

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), January 10, 2017 (HPA Docket 17-0096), alleging that the respondent violated the Act.

Respondent Brad Beard admits the jurisdictional allegations in the complaint as to him, specifically admits that the Secretary has jurisdiction in this matter, denies the remaining allegations, and waives oral hearing and further procedure.

The parties consent and agree to the entry of this decision for the purposed of settling these proceedings as to respondent Brad Beard, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including September 2, 2018. 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 Brad Beard, also know as William Bradley Beard, is an individual residing in Tennessee 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 26, 2016, respondent Brad Beard entered a horse (Spooky Jazz) for showing in class 53 in a horse show in Shelbyville, Tennessee.
3. On or about August 26, 2016, respondent Brad Beard entered a horse (Ritzie General) for showing in class 55 in

a horse show in Shelbyville, Tennessee.

4. On or about August 28, 2016, respondent Brad Beard entered a horse (The Dixie Label) for showing in class 94B in a horse show in Shelbyville, Tennessee.

5. On or about August 31, 2016, respondent Brad Beard entered a horse (Nightshades Maiden) for showing in class 139 in a horse show in Shelbyville, Tennessee.

6. On or about September 3, 2016, respondent Brad Beard entered a horse (Gin Fusion) for showing in class 187 in a horse show in Shelbyville, Tennessee.

7. On or about August 25, 2018, respondent Brad Beard showed a horse (Pixie's Dixie) in class 70B in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Brad Beard 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 Brad Beard is disqualified for three years, beginning December 1, 2020 and ending December 1, 2023, 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 action, directly or indirectly through any agent or other device.

“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.

2. Respondent Brad Beard is assessed a civil penalty of \$3,850, which shall be paid by December 1, 2020 by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0096 and send to:

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

The provisions of this order shall become final and effective on the date of issuance (the date the judge signs the order). This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

Brad Beard
Respondent
Complainant

Tracey Manoff
Attorney for

Done this 8 day of July, 2020


Administrative Law Judge

2

Jill S Clifton