

UNITED STATES DEPARTMENT OF AGRICULTURE

2017 SEP -1 PM 4: 29

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:	)	HPA Docket No. 17-0096
	)	HPA Docket No. 17-0097
BRAD BEARD, an individual;	)	HPA Docket No. 17-0098
HEATHER BEARD, an individual;	)	HPA Docket No. 17-0099
ANDREW GRAVES, an individual;	)	HPA Docket No. 17-0100
LAURA MAUNEY, an individual;	)	HPA Docket No. 17-0101
ROGER MAUNEY, an individual;	)	HPA Docket No. 17-0102
BETH REED, an individual;	)	HPA Docket No. 17-0103
RONNIE REED, an individual;	)	HPA Docket No. 17-0104
JIM WELCH, an individual; and)	
CLIFF WILSON, an individual,)	
	)	CONSENT DECISION AND
Respondents.	)	ORDER AS TO RESPONDENT
	)	ROGER MAUNEY

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 10, 2017, alleging that the respondents violated the Act.

Respondents Roger Mauney 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 Mauney, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including August 31, 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 Roger Mauney 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 Roger Mauney allowed the entry of a horse he owned (Nightshades Maiden), for the purpose of showing the horse, in class 139 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Mauney 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 Roger Mauney is disqualified for four months, beginning September 4, 2017, and ending January 3, 2018, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating¹ in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Roger Mauney is assessed a civil penalty of \$550, which shall be paid by October 1, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0100, and sent to:


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

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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 become final and effective as of August 31, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.




Roger Mauney
Respondent



Thomas B. Kakassy
Attorney for Respondent

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 1st day of September, 2017



Bobbie J. McCartney
Chief Administrative Law Judge

Acting Chief ALS,

The provisions of this order shall become final and effective as of August 31, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

Roger Mauney
Respondent

Colleen A. Carroll
Attorney for Complainant

Thomas B. Kakassy
Attorney for Respondent

Done at Washington, D.C.,
this 1st day of September 2017

Bobbie J. McCartney
Chief Administrative Law Judge

Acting Chief ALJ,

CERTIFICATE OF SERVICE

Roger Mauney, Respondents

Docket: 17-0100

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 CONSENT DECISION AND SIGNED ORDER AS TO ROGER MAUNEY has been furnished and was served upon the following parties on September 5, 2017 by the following:

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Respectfully Submitted,


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