

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:)	HPA Docket No. 17-0034
)	HPA Docket No. 17-0035
GAYLE HOLCOMB, an individual;)	HPA Docket No. 17-0036
BOB LAWRENCE, an individual;)	HPA Docket No. 17-0037
JOSEPH AARON SELF, an individual;)	HPA Docket No. 17-0038
JEFF SMITH, an individual; and)	
CHAD WILLIAMS, an individual,)	
)	CONSENT DECISION AND
Respondents.)	ORDER AS TO RESPONDENT
)	JEFF SMITH

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 December 23, 2016, alleging that the respondents violated the Act.

Respondent Jeff Smith 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 Smith, 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 Jeff Smith 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).

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2. On or about August 25, 2016, respondent Jeff Smith allowed the entry of a horse he owned (Play Something), for the purpose of showing the horse, in class 24 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Smith 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 Jeff Smith 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 participating¹ in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Jeff Smith 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. 17-0037, and sent to:


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

The provisions of this order shall become final and effective as of September 4, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the

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.

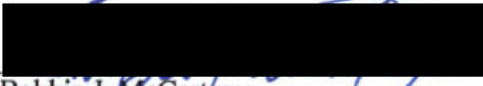
parties.

Jeff Smith
Respondent



Colleen A. Carroll
Attorney for Complainant


Thomas B. Kakassy
Attorney for Respondent


Done at Washington, D.C.,
this 17 day of Sept 2017


Bobbie J. McCartney
Chief Administrative Law Judge


parties.


Jen Smith
Respondent


Thomas B. Kakassy
Attorney for Respondent


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 19th day of Sept 2017


Bobbie J. McCartney
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

Jeff Smith, Respondent(s)

Docket No. HPA 17-0037

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 CONSENT DECISION AND ORDER AS TO RESPONDENT JEFF SMITH has been furnished and was served upon the following parties on September 20, 2017 by the following:

USDA (OGC) - Electronic Mail

Colleen Carroll, Esq. OGC

Leah C. Battaglioli, OGC

Ada Quick, OGC

USDA (HPA) - Electronic Mail

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Respondent's Representative: Electronic Mail

THOMAS B. KAKASSY, ESQUIRE

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Respectfully Submitted,


Alesha Bynum-Wimbrey, Legal Assistant
USDA/Office of Administrative Law Judges
Hearing Clerk's Office
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Washington, DC 20250-9203