USDA
OALJ/OHC

2017 SEP 22 PM 12: 24

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

| | | |
|---|---|---|
| In re: | ) | HPA Docket No. 17-0138 |
| | ) | HPA Docket No. 17-0139 |
| KAREN L. BEAN, an individual; | ) | HPA Docket No. 17-0140 |
| WILLIAM J. BEAN, an individual; | ) | HPA Docket No. 17-0141 |
| JERROD CAGLE, an individual; | ) | HPA Docket No. 17-0143 |
| STEPHANIE CAGLE, an individual; | ) | HPA Docket No. 17-0145 |
| DIANA CRUSE, an individual; | ) | HPA Docket No. 17-0147 |
| CHARLES RAY GREEN, an individual | ) | HPA Docket No. 17-0149 |
| dba CHARLIE GREEN STABLES; | ) | HPA Docket No. 17-0150 |
| PAM HENDRICKSON, an individual; | ) | HPA Docket No. 17-0151 |
| DEREK MONAHAN, an individual dba | ) | HPA Docket No. 17-0153 |
| DEREK MONAHAN STABLES; | ) | HPA Docket No. 17-0154 |
| JEANNE ROBERTS, an individual; | ) | HPA Docket No. 17-0156 |
| JIM ROBERTS, an individual; | ) | HPA Docket No. 17-0157 |
| MARY LOU ROLLINS, an individual; | ) | HPA Docket No. 17-0158 |
| ROBERT W. ROLLINS, an individual; | ) | |
| GINGER WILLIAMS, an individual; | ) | |
| MICHAEL WRIGHT, an individual; | ) | |
| and RONAL YOUNG, an individual, | ) | |
| | ) | CONSENT DECISION AND |
| Respondents. | ) | ORDER AS TO RESPONDENT |
| | ) | KAREN L. BEAN |

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 12, 2017, alleging that the respondents violated the Act.

Respondent Karen L. Bean 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 Karen L. Bean, and resolving any and all other alleged or potential violations of the Act by her 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 Karen L. Bean 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 28, 2016, respondent Karen L. Bean allowed the entry of a horse she owned (Oh My Darling), for the purpose of showing the horse, in class 88 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Karen L. Bean 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 Karen L. Bean is disqualified for six months, beginning September 4, 2017, and ending March 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 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 Karen L. Bean 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

[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.

reference to HPA Docket No. 17-0138, and sent to:

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

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

[redacted]
Karen L. Bean
Respondent

[redacted]
Karin Cagle
Attorney for Respondent

[redacted]
Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 22nd day of Sept 2017
[redacted], Acting Chief ALJ
for
Bobbie J. McCartney
Chief Administrative Law Judge

## CERTIFICATE OF SERVICE

**Respondents**
Karen L. Bean

**Docket #'s**
17-0138

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 RESPONDENT KAREN L. BEAN has been furnished and was served upon the following parties on September 22, 2017 by the following:

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

USDA (APHIS) - Electronic Mail
IESLegals@aphis.usda.gov
Ac.rss.mailbox@aphis.usda.gov

Respondents' Counsel - Electronic Mail
kcaglelaw@gmail.com

Respectfully Submitted,

[redacted]

Reneé Leach-Carlos, Hearing Clerk
USDA/Office of Administrative Law Judges
Hearing Clerk's Office, Rm. 1031-S
1400 Independence Ave., SW
Washington, DC 20250-9203