

USDA 2002/003
ALJ/OHC

17 OCT 17 PM 4:30

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 17-0056
)	HPA Docket No. 17-0057
JERRY BEATY, an individual;)	HPA Docket No. 17-0058
MIKE DUKES, an individual; and)	
BILL GARLAND, an individual,)	
)	CONSENT DECISION AND
Respondent.)	ORDER AS TO RESPONDENT
)	JERRY BEATY

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 28, 2016, alleging that the respondents violated the Act.

Respondent Jerry Beaty admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, admits certain of the allegations as set forth herein as findings of fact and conclusions of law, 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 Beaty, 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 Jerry Beaty 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, Mr. Beaty entered a horse (Line of Cash) for the

purpose of showing the horse in class 136 in a horse show in Shelbyville, Tennessee.

Conclusions of Law

1. On or about August 31, 2016, Mr. Beaty entered a horse (Line of Cash) while the horse was sore, for the purpose of showing the horse in class 136 in the Horse Show, in violation of the Act (15 U.S.C. § 1824(2)(B)).

2. Respondent Beaty 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

Respondent Jerry Beaty is assessed a civil penalty of \$100, which shall be paid by November 1, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0056, 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 on November 1, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

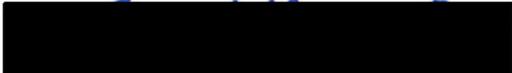


Colleen A. Carroll
Attorney for Complainant



Jerry Beaty
Respondent

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



Bobbie J. McCartney
Chief Administrative Law Judge