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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	HPA Docket 17-0201
	)	
NOEL BOTSCH,	)	
an individual	)	
	)	CONSENT DECISION AND
Respondent.	)	ORDER AS TO RESPONDENT
	)	NOEL BOTSCH

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 February 3, 2017, alleging that respondent violated the Act.

Respondent Noel Botsch admits the jurisdictional allegations in the complaint as to him, 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 Noel Botsch and resolving any and all other alleged or potential violations of the Act by him occurring up to and including December 31, 2019. 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 Noel Botsch 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 September 1, 2016, respondent Noel Botsch allowed the entry of a horse he owned (Taylor Made) for showing in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Noel Botsch 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 Noel Botsch is disqualified for four months, beginning January 1, 2020, and ending April 30, 2020, 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 Noel Botsch is assessed a civil penalty of $550, which shall be paid in full by May 1, 2020, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0201, 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 the date of signature. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[redacted]

Noel Botsch
Respondent

[redacted]

Matthew Scott Weiner
Attorney for Complainant

Done at Washington, D.C.,
this 23 day of Dec 2019

[redacted] for

Channing D. Strother
~~Acting~~ Chief Administrative Law Judge

JSC

by Jill S. Clifton
Administrative
Law Judge