



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

)	
)	
Dennis Smith)	Docket No. 13-0364
)	
)	Consent Decision
Respondent)	and Order

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. §§ 1821-1831), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent violated the Act. 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).

Respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Dennis Smith is an individual whose mailing address is (b) (6)

(b) (6). At all times mentioned herein said respondent was the owner of the horses known as "Raising the Bar" and "Pusher's Shady Deal."

2. On or about August 16, 2012, respondent Dennis Smith entered for the purpose of showing or exhibiting the horse known as "Raising the Bar" in the 2012 Illinois State Fair Society Horse Show in Springfield, IL.

3. On or about August 16, 2012, respondent Dennis Smith entered for the purpose of showing or exhibiting the horse known as "Pusher's Shady Deal" in the 2012 Illinois State Fair Society Horse Show in Springfield, IL.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent Dennis Smith is disqualified for four uninterrupted years from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction. "Participating" means engaging in any activity beyond that of a spectator, 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.

2. The parties agree that the Respondent shall, without compensation, donate and transfer ownership and physical possession of the horses identified in the Complaint as "Pusher's

Shady Deal" and "Raising the Bar to an entity, approved by APHIS, which can properly care for said horses. The donation and transfer will take place within 90 days of the effective date of this consent order. The parties agree that APHIS will confirm the identity of the horses "Pusher' s Shady

Deal" and "Raising the Bar" at a mutually agreed upon date and location prior to the donation and transfer taking place.

3. Respondent further agrees that should he fail to comply with the deadline described in Paragraph 2 of this order, ownership and physical possession of "Pusher' s Shady Deal" and "Raising the Bar" shall be surrendered by Respondent and transferred without compensation to the United States Department of Agriculture, which will then place the animals with an entity that can properly care for said horses.

4. Respondent agrees that failure to comply with any of the terms contained within Paragraph 2 or Paragraph 3 of this Order will result in a disqualification of 4 additional years from all activities covered in paragraph 1 of this Order, which would begin the first day after the end of the disqualification period provided in that same paragraph.

This order shall have the same effect as if entered after a full hearing and shall become effective on January 9, 2015.

Handwritten initials and date:
DPL
5/14

Copies of this decision shall be served upon the parties.



Dennis Smith
Respondent



Brian Hill
Attorney for Complainant

Done at Washington, D.C.
this 22nd day of JANUARY 2015



Administrative Law Judge

JANICE K. BULLARD