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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	HPA Docket No. 17-0060
	)	
ROCKY ROY MCCOY, an individual,	)	CONSENT DECISION AND
	)	ORDER AS TO RESPONDENT
Respondent.	)	ROCKY ROY MCCOY

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 respondent violated the Act.

Respondent Rocky Roy McCoy admits the jurisdictional allegations in the complaint as to him, specifically admits that the Secretary has jurisdiction in this matter, 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 Rocky Roy McCoy and resolving any and all other alleged or potential violations of the Act by him occurring up to and including September 2, 2018. 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 Rocky Roy McCoy 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 27, 2016, respondent Rocky Roy McCoy showed a horse (Welcome to My World) in class 74B in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Rocky Roy McCoy 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 Rocky Roy McCoy is disqualified for two years, beginning September 6, 2020, and ending September 5, 2022, 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.

The provisions of this order shall become final and effective on July 31, 2019. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[redacted]

Rocky Roy McCoy
Respondent

[redacted]

Thomas B. Kakassy
Attorney for Respondent

[redacted]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 25 day of July 2019

[redacted]

Jill S. Clifton
Administrative Law Judge

[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.