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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
EVERGREEN HORSE FARM, INC., a Tennessee corporation, also known as, EVERGREEN WALKING HORSE FARM	)	HPA Docket No. 14-0059 HPA Docket No. 15-0168
	)	
Respondent	)	**Consent Decision and Order as to Evergreen Horse Farm, Inc.**

These consolidated proceedings were instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*) (HPA or Act), by complaints filed by the Administrator of Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on January 9, 2014, and August 14, 2015 (amended November 2, 2017 and July 19, 2019), alleging that the respondent violated the Act.

Respondent Evergreen Horse Farm, Inc., admits the jurisdictional allegations in the complaints as to it (HPA Dockets Nos. 14-0059 and 15-0168), 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 Evergreen Horse Farm, Inc., and resolving any and all other alleged or potential violations of the Act by it occurring up to and including the date this Order is signed by the Judge. 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).

NJA

Findings of Fact

1. Respondent Evergreen Horse Farm, Inc., is a Tennessee corporation doing business as Evergreen Walking Horse Farm 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, 2011, respondent Evergreen Horse Farm, Inc., allowed a horse it owned (The Golden Sovereign) to be shown in class 80B in a horse show in Shelbyville, Tennessee.

3. On or about August 4, 2012, respondent Evergreen Horse Farm, Inc., allowed a horse it owned (The Golden Sovereign) to be shown in class 27 in a horse show in Wartrace, Tennessee.

4. On or about March 29, 2012, respondent Evergreen Horse Farm, Inc., allowed a horse it owned (Brother Sovereign) to be shown in class 14 in a horse show in Jackson, Mississippi.

5. On or about June 7, 2013, respondent Evergreen Horse Farm, Inc., allowed the entry of a horse it owned (Sovereign's Royal Gen) for showing in class 13 in a horse show in Lawrenceburg, Tennessee.

6. On or about September 4, 2015, respondent Evergreen Horse Farm, Inc., allowed the entry of a horse it owned (Unleashed) for showing in class 161 in a horse show in Shelbyville, Tennessee.

7. On or about March 18, 2016, respondent Evergreen Horse Farm, Inc., allowed the entry of a horse it owned (Jose's Ritzy Hawk) for showing in class 31 in a horse show in Shelbyville, Tennessee.

8. On or about March 31, 2016, respondent Evergreen Horse Farm, Inc., allowed the entry

of a horse it owned (Jose's Ritzy Hawk) for showing in class 31 in a horse show in Jackson, Mississippi.

9. On or about April 2, 2016 respondent Evergreen Horse Farm, Inc., allowed the entry of a horse it owned (Brother Sovereign) for showing in class 51 in a horse show in Jackson, Mississippi.

10. On or about August 5, 2016, respondent Evergreen Horse Farm, Inc., allowed the entry of a horse it owned (Unleashed) for showing in class 30 in a horse show in Belfast, Tennessee.

11. On or about August 27, 2016, respondent Evergreen Horse Farm, Inc., allowed the entry of a horse it owned (Golden Sovereign) for showing in class 84B in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Evergreen Horse Farm, Inc., having admitted the jurisdictional 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 Evergreen Horse Farm, Inc., is disqualified for fifteen (15) months, beginning November 15, 2020, and ending February 15, 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

[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.

or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Evergreen Horse Farm, Inc., is assessed a civil penalty of $2,500, which shall be due within 30 days of the effective date of this Consent, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket Nos. 14-0059 and 15-0168, and sent to:

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

This order shall become final and effective on the date it is signed by the Judge. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[redacted]

EVERGREEN HORSE FARM, INC.,
a Tennessee corporation

[redacted]

ELIZABETH M. KRUMAN
Attorney for Complainant

[redacted]

THOMAS AUSTIN
Attorney for Respondent

Done this 17th day of December,
2019, in Washington, D.C.

[redacted] for

Jill S. Clifton
ADMINISTRATIVE LAW JUDGE

Channing D. Strother
Chief Administrative Law
Judge