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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 17-0025
)	
KELLY PEEVY, an individual,)	
)	
Respondent.)	CONSENT DECISION AND
)	ORDER

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 23, 2016, alleging that the respondent violated the Act.

Respondent Kelly Peevy admits the jurisdictional allegations in the complaint as to her, 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 Kelly Peevy, and resolving any and all other alleged or potential violations of the Act by her 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 Kelly Peevy (also known as Kelly Carter) 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 25, 2016, respondent Kelly Peevy entered a horse (That's My Luck) for showing in class 29 in a horse show in Shelbyville, Tennessee.
3. On or about August 25, 2016, respondent Kelly Peevy entered a horse she owned

(Gehrig) for showing in class 31A in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Kelly Peevy 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 Kelly Peevy is disqualified for six months, beginning September 1, 2019, and ending February 29, 2020, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating¹ in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Kelly Peevy is assessed a civil penalty of \$1,100, which shall be paid by February 29, 2020, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0025, 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 on March 1, 2019. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted]

Colleen A. Carroll
Attorney for Complainant

[Redacted]

Kelly Peery
Respondent

Done at Washington, D.C.,
this 28th day of February 2019

[Redacted]

Channing D. Strother
Chief Administrative Law Judge