

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 17-0081
)	HPA Docket No. 17-0082
EDGAR ABERNATHY, an individual dba)	HPA Docket No. 17-0083
ABERNATHY STABLES;)	HPA Docket No. 17-0084
CARROLL COUNTS, an individual;)	
VIRGINIA COUNTS, an individual; and)	
DARIUS NEWSOME, an individual,)	
)	CONSENT DECISION AND
Respondents.)	ORDER AS TO RESPONDENT
)	VIRGINIA COUNTS

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 January 9, 2017, alleging that the respondents violated the Act.

Respondent Virginia Counts admits the jurisdictional allegations in the complaint as to her, 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 Virginia Counts, 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 Virginia Counts 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 26, 2016, Ms. Counts allowed the entry of a horse she owned

(Cash's Bold and Fresh) for showing in class 54 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Virginia Counts 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 Virginia Counts is disqualified for four months, beginning November 13, 2018, and ending March 12, 2019, 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 Virginia Counts is assessed a civil penalty of \$550, which shall be paid by November 13, 2018, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0083, and sent to:

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

////

////

////

////

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 November 13, 2018. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted]

Virginia Counts
Respondent

[Redacted]

Jan Rochester
Attorney for Respondent

[Redacted]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 9th day of November 2018

[Redacted]

Channing D. Sirother
Acting Chief Administrative Law Judge