

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 17-0117
)	
TERRY GIVENS, 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 January 10, 2017, alleging that the respondents violated the Act.

Respondent Terry Givens admits the jurisdictional allegations in the complaint, 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 Terry Givens, 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 Terry Givens 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 6, 2016, respondent Terry Givens entered a horse (Dr. Dr. Give Me A Call) for showing in class 7 in a horse show in Newport, Tennessee.

3. On or about August 27, 2016, respondent Terry Givens entered a horse (Coach's Rare Talent) for showing in class 80 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Terry Givens 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 Terry Givens is disqualified for eight months, beginning November 1, 2018, and ending June 30, 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 Terry Givens is assessed a civil penalty of \$1,100, which shall be paid by January 1, 2019, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0117, and sent to:

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

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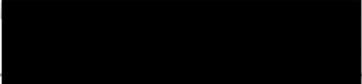
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¹"Participating" means engaging in any activity beyond that of a spectator in connection with a horse show, horse exhibition, or horse sale or auction, and includes, without limitation, transporting or arranging for the transportation of horses to 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 November 25, 2018. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.


Terry Givens
Respondent


Thomas B. Kakassy
Attorney for Respondent


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 27th day of November 2018


Channing D. Strother
Acting Chief Administrative Law Judge