

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) HPA Docket No. 17-0143
)
DIANA CRUSE, an individual;)
)
)
) CONSENT DECISION AND
Respondent.) ORDER

REC'D - USDA/OALJ/OHC
2020 JAN 31 PM12:19

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 *et seq.*) (HPA or Act), by a complaint filed by APHIS on January 12, 2017, alleging that the respondent violated the Act.

The parties consent and agree to the entry of this decision for the purpose of settling this proceeding and resolving any and all other alleged or potential violations of the Act by her occurring up to and including June 30, 2019. Respondent Diana Cruse admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter; she specifically denies that she violated the Act. She neither admits or denies any remaining allegations, and she waives oral hearing and further procedure. Furthermore, respondent waives any action against the complainant under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) and each party will bear its own attorney's fees and court costs. 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 Diana Cruse 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, respondent Diana Cruse allowed entry of a horse that she owned (She's Intimidating) while the horse was sore, for showing in class 57 in a horse show in Shelbyville, Tennessee.

3. On or about August 31, 2016, respondent Diana Cruse allowed entry of a horse that she owned (Olivia Pope) while the horse was sore, for showing in class 135B in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Diana Cruse 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 Diana Cruse is disqualified for twelve months, beginning September 6, 2020 and September 5, 2021, 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 Diana Cruse is assessed a civil penalty of \$1,600, which shall be paid by April 30, 2020, by check made payable to the U.S. Treasury, indicating that the payment is in reference to HPA Docket No. 17-0143, 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 be final and effective as of February 1, 2020. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted]

Diana Cruse
Respondent

[Redacted]

Karin Cagle
Attorney for Respondent

[Redacted]

Ciarra Toomey
Attorney for Complainant

Done at Washington, D.C.,
this 31 day of JAN 2020

[Redacted]

Jill S. Clifton
Administrative Law Judge