

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/DHC
2019 APR 23 AM 11:50

In re:)	HPA Docket No. 15-0118
)	
CHARLES RAY GREEN, also known as)	
CHARLIE GREEN, an individual doing)	
business as CHARLIE GREEN STABLES,)	
Respondent.)	
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In re:)	HPA Docket No. 16-0029
)	
MARTHA BLACKMON-MILLIGAN,)	
an individual,)	
Respondent.)	
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In re:)	HPA Docket No. 17-0143
)	HPA Docket No. 17-0145
DIANA CRUSE, an individual;)	HPA Docket No. 17-0147
CHARLES RAY GREEN, an individual)	HPA Docket No. 17-0148
dba CHARLIE GREEN STABLES;)	HPA Docket No. 17-0149
PAM HENDRICKSON, an individual;)	HPA Docket No. 17-0152
MARTHA MILLIGAN, an individual;)	HPA Docket No. 17-0158
DEREK MONAHAN, an individual dba)	
DEREK MONAHAN STABLES;)	
PAUL DAVID ROBBINS, an individual;)	
and RONAL YOUNG, an individual,)	
Respondents.)	CONSENT DECISION AND ORDER AS TO RESPONDENT DEREK MONAHAN
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These consolidated proceedings were all instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 *et seq.*)(HPA or Act), by complaints filed by APHIS on May 28, 2015, December 14, 2015, and January 12, 2017, alleging that the respondents violated the Act. The proceeding pending against respondent Derek Monahan was commenced by a complaint filed on January 12, 2017.

Respondent Derek Monahan admits the jurisdictional allegations in the complaint as to him in the above-captioned complaint in which he is a named respondent (HPA Docket 17-0149), 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 Derek Monahan, 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 Derek Monahan is an individual residing in [REDACTED] and doing business as Derek Monahan Stables, 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 Derek Monahan entered a horse (Chumlee) for showing in class 54 in a horse show in Shelbyville, Tennessee.

3. On or about August 28, 2016, respondent Derek Monahan entered a horse (War Bird) for showing in class 97 in a horse show in Shelbyville, Tennessee.

4. On or about September 2, 2016, respondent Derek Monahan entered a horse (Tarheel’s Pushin’ José) for showing in class 166 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Derek Monahan 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 Derek Monahan is disqualified for one year, beginning May 1, 2019, and ending April 30, 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 Derek Monahan is assessed a civil penalty of \$1,650, which shall be paid by September 1, 2019, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0149, and sent to:

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

The provisions of this order shall become final and effective on May 1, 2019. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted signature]

Derek Monahan
Respondent

[Redacted signature]

Thomas B. Kakassy
Attorney for Respondent

[Redacted signature]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 23 day of April 2019

[Redacted signature]

Jill S. Clifton
Administrative Law Judge

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.