

UNITED STATES DEPARTMENT OF AGRICULTURE

SEP -6 PM 12: 28

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:)	HPA Docket No. 14-0115
)	HPA Docket No. 14-0116
JEFFREY L. GREEN, an individual;)	HPA Docket No. 14-0117
HAROLD ROBERTS, an individual;)	HPA Docket No. 14-0118
SHERRY ROBERTS, an individual; and)	CONSENT DECISION AND
ANDREW MYERS, an individual,)	ORDER AS TO RESPONDENTS
)	HAROLD ROBERTS, SHERRY
Respondents.)	ROBERTS, AND ANDREW
)	MYERS

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 May 9, 2014, alleging that the respondents violated the Act.

Respondents Harold Roberts, Sherry Roberts, and Andrew Myers admit the jurisdictional allegations in the complaint, specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, and waive 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 respondents Harold Roberts, Sherry Roberts, and Andrew Myers, and resolving any and all other alleged or potential violations of the Act by them up to and including August 29, 2018. Respondents Harold Roberts, Sherry Roberts, and Andrew Myers waive any action under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) in connection with this proceeding. 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. Respondents Harold Roberts, Sherry Roberts, and Andrew Myers are individuals residing in [REDACTED]. At all times mentioned herein, Harold Roberts and Andrew Myers were each 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 November 11, 2011, respondent Harold Roberts allowed the entry of a horse he owned (Tee Ball Ted) for showing in class 20 in a horse show in Tunica, Mississippi.

3. On or about July 31, 2012, respondent Harold Roberts allowed the entry of a horse he owned (Tee Ball Ted) for showing in class 218 in a horse show in Sedalia, Missouri.

4. On or about July 31, 2012, respondent Andrew Myers entered a horse (Tee Ball Ted) for showing in class 218 in a horse show in Sedalia, Missouri.

Conclusion of Law

Respondents Harold Roberts, Sherry Roberts, and Andrew Myers having admitted the applicable 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 Harold Roberts is disqualified for eight months, beginning September 3, 2018, and ending May 2, 2019, and respondent Andrew Myers is disqualified for four months, beginning November 5, 2018, and ending March 4, 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 Harold Roberts is assessed a civil penalty of \$1,100, which shall be paid by September 3, 2018, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 14-0116.

3. Respondent Andrew Myers is assessed a civil penalty of \$550, which shall be paid by September 3, 2018, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 14-0118.

4. The civil penalty payments in paragraphs 2 and 3 of this order shall be sent to:

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

5. This matter is resolved as to respondent Sherry Roberts without any sanction or penalty.

////

////

////

////

////

////

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 September 3, 2018. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

Harold Roberts
Respondent

Sherry Roberts
Respondent

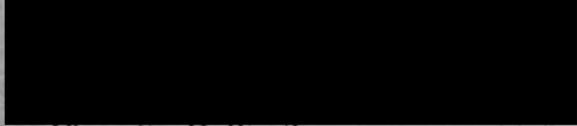
Andrew Myers
Respondent

Robin L. Webb
Attorney for Respondents



Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 6th day of September 2018



Channing D. Strother
Administrative Law Judge

Acting Chief

The provisions of this order shall become final and effective on September 3, 2018. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted signature]

Harold Roberts
Respondent

[Redacted signature]

Sherry Roberts
Respondent

[Redacted signature]

Andrew Myers
Respondent

[Redacted signature]

Robin L. Webb *RLB 81360*
Attorney for Respondents

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 6th day of September 2018

[Redacted signature]

Channing D. Strother
Administrative Law Judge

Acting Chief