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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	HPA Docket No. 01-C022
)	RECEIVED
SAND CREEK FARM, INC., a Tennessee)	
corporation,)	
Respondent.)	Consent Decision
)	and Order

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents violated the Act. 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).

Respondent admits the jurisdictional allegations in the complaint, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, and waives oral hearing and further procedure. The parties agree to the entry of this decision.

Findings of Fact

1. Respondent Sand Creek Farm, Inc., is a Tennessee corporation whose business mailing address is 3124 Highway 231 North, Shelbyville, Tennessee 37160, and whose registered agent is Billy A. Gray, 3124 Highway 231 North, Shelbyville, Tennessee 37160. In May 2000, respondent Sand Creek Farm, Inc., was engaged in the business of breeding, boarding, training and showing Tennessee Walking Horses.

2. On or about May 27, 2000, respondent Sand Creek Farm, Inc., entered "JFK All Over" in the 30th Annual Spring Fun Show in Shelbyville, Tennessee, (the "Fun Show"), as entry number 252 in class number 34 ("Three-Year-Old Walking Stallions") for the purpose of showing

the horse in that class.

3. On or about May 27, 2000, respondent Sand Creek Farm, Inc., entered "JFK All Over" in the Fun Show, as entry number 252 in class number 34, while the horse was "sore," as that term is defined in the Act, for the purpose of showing the horse in that class, in violation of section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)).

Conclusions

1. Respondent Sand Creek Farm, Inc., 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.

2. By reason of the facts set forth in the Findings of Fact above, respondent Sand Creek Farm, Inc., has been found to have violated section 5(2)(B) of the Act, 15 U.S.C. § 1824(2)(B), on May 27, 2000.

3. The following order is authorized by the Act and warranted under the circumstances.

Order

1. Respondent Sand Creek Farm, Inc., is assessed a civil penalty of \$2,200. The civil penalty shall be paid by certified check or money order, made payable to the "Treasurer of the United States" and sent to:

Colleen A. Carroll
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW
Room 2343-South Building
Washington, DC 20250-1417

Respondent Sand Creek Farm, Inc.'s payment of the civil penalty shall be forwarded to, and received by, Ms. Carroll by May 1, 2006. Respondent Sand Creek Farm, Inc., shall indicate on the certified

check or money order that payment is in reference to HPA Docket No. 01-C022.


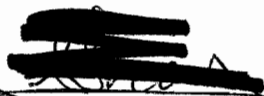
2. Respondent Sand Creek Farm, Inc., is disqualified for one year, beginning September 3, 2007, and ending September 2, 2008, inclusive, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, family member or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, family member or other device.¹ Such disqualification will continue in effect until the civil penalty assessed in paragraph 1 of this Order and any costs associated with collecting the civil penalty are paid in full.


3. Respondent Sand Creek Farm, Inc., its agents and employees, successors and assigns, directly or indirectly or through any corporate or other device, shall cease and desist from violating the Act and the regulations issued thereunder.

¹“Participating” means engaging in any activity beyond that of a spectator, 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.

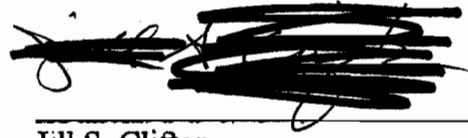
This order shall have the same effect as if entered after a full hearing and shall become effective on the first day after service of this decision on the respondent. Copies of this decision shall be served upon the parties.

SAND CREEK FARM, INC.,
a Tennessee corporation
Respondent

By  
Its PRES.


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 25 day of April, 2006



Jill S. Clifton
Administrative Law Judge