

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250
MAY 15 1985

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Edward Rains and) HPA Docket No. 05-0005
Janie Rains,)
)
) Consent Decision
Respondents) and Order

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), 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).

Respondents Edward Rains and Janie Rains admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Edward Rains is an individual whose mailing address is 2466 Lake Rest Road, Proctor, Arkansas 72376. At all times mentioned herein said respondent was the owner of the horse known as "Doc."

2. Respondent Janie Rains is an individual whose mailing address is 2466 Lake Rest Road, Proctor, Arkansas 72376. At all times mentioned herein said respondent was the owner of the horse known as "Doc."

3. On September 5, 2004, respondent Janie Rains showed or exhibited the horse known as "Doc" as entry number 254 in the Ladies Gaited Class, at the 41st Annual Arkansas State Horse Show.

4. On September 5, 2004, respondents Edward Rains and Janie Rains entered for the purpose of showing or exhibiting the horse known as "Doc" as entry number 254 in the Ladies Gaited Class, at the 41st Annual Arkansas State Horse Show.

Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order


1. Respondents Edward Rains and Janie Rains are each disqualified for one year, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction.


"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 upon issuance on the respondents.


Copies of this decision shall be served upon the parties.


Edward Rains
Respondent


Janie Rains
Respondent


Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 1st day of Feb, 2006


Administrative Law Judge
Jill S. Clifton