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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	HPA Docket No. 17-0167
	)	HPA Docket No. 17-0168
BRITTANY BAUM, an individual;	)	HPA Docket No. 17-0171
JACOB BAUM, an individual; TRISH	)	HPA Docket No. 17-0172
HARRISON-SPIVEY, an individual;	)	HPA Docket No. 17-0173
KEITH ROSBURY, an individual;	)	HPA Docket No. 17-0175
LORRAINE ROSBURY, an individual;	)	
and BRAD SPIVEY, an individual,	)	
	)	CONSENT DECISION AND
Respondents.	)	ORDER AS TO RESPONDENT
	)	JACOB BAUM

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 January 12, 2017, alleging that the respondents violated the Act.

Respondent Jacob Baum admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, neither admits nor 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 Jacob Baum, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including September 4, 2017. 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 Jacob Baum 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 27, 2016, respondent Jacob Baum allowed the entry of a horse he owned (Nine Carat Diamond), for the purpose of showing the horse, in class 73 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Jacob Baum 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 Jacob Baum is disqualified for four months, beginning September 4, 2017, and ending January 3, 2018, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating[1] in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Jacob Baum is assessed a civil penalty of $550, which shall be paid by October 1, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0168, and sent to:

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

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[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 September 4, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[redacted]

Jacob Baum
Respondent

[redacted]

Karin Cagle
Attorney for Respondent

[redacted]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 26 day of Sept 2017

[redacted]

Jill S. Clifton
Administrative Law Judge

CERTIFICATE OF SERVICE

Brittany Baum, Jacob Baum, Keith Rosbury, Lorraine Rosbury, Respondents
Docket: 17-0167, 17-0168, 17-0172, 17-0173

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the (SIGNED) CONSENT DECISION AND ORDER AS TO RESPONDENT BRITTANY BAUM, (SIGNED) CONSENT DECISION AND ORDER AS TO RESPONDENT JACOB BAUM, (SIGNED) CONSENT DECISION AND ORDER AS TO RESPONDENT KEITH ROSBURY, (SIGNED) CONSENT DECISION AND ORDER AS TO RESPONDENT LORRAINE ROSBURY has been furnished and was served upon the following parties on September 27, 2017 by the following:

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Respectfully Submitted,

[redacted]

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