

USDA
OAL/JOHC

200 JUL 30 PM 2:43

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:) HPA Docket No. 09-0013
)
Bradley Hayes,)
)
Respondent) Consent Decision
) 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 respondent 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 paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, 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

A. Respondent Bradley Hayes is an individual whose mailing address is 2507 Olde Gradyville Road, Gradyville, Kentucky 42742.

B. At all times material herein, respondent was the owner and trainer of the horse known as "Jose's Tequila Sunrise" and exhibited this horse as Entry No. 314, Class No. 40, on September 21, 2007, at the Kentucky Celebration at Liberty, Kentucky.

Conclusions


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

Order


Respondent is disqualified for an uninterrupted period of 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. For the purposes of this Order, "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. Jurisdiction is retained for the limited purpose of enforcement of this paragraph.

This order shall have the same effect as if entered after a full hearing and shall become effective upon service.

Copies of this decision shall be served upon the parties.




Bradley Hayes
Respondent



Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.
this 30th day of July, 2010



Administrative Law Judge