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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: )  
)  
Kevin Evans, )  
Jack E. Evans, )  
and Terry C. Kindley )  
)  
Respondents )

HPA Docket No. 11-0244

Consent Decision and Order as to  
Terry C. Kindley

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).

Respondent Terry C. Kindley 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 Terry C. Kindley is an individual whose mailing address is 2625 Old US Hwy 80, Gold Hill, North Carolina 28071.

B. At all times material hereto, respondent Terry C. Kindley was an owner of the horse known as "El Chicano" which was entered as Entry No. 188, Class No. 24, On July 13, 2007, at the Land-O-The-Sky Summer Festival Horse Show at Asheville, North Carolina.

Conclusions

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

Order


~~1. Respondent Terry C. Kindley is assessed a civil penalty of \$1,000.~~ 6-7-11 [redacted] T.C.K.

2. Respondent Terry C. Kindley is disqualified for an uninterrupted period of one year <sup>beginning June 7, 2011. PA</sup> 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 any horse show, horse exhibition, or horse sale or auction, personally giving instructions to exhibitors, and being present in the warm-up or inspection areas, or in any area where spectators are not allowed. Jurisdiction is retained for the limited purpose of enforcement of this paragraph. T.C.K.


6/7/11 [redacted]

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.

  
Terry C. Kindley  
Respondent

6-7-11

  
Robert A. Ertman  
Attorney for Complainant

Done at Washington, D.C.  
this 7<sup>th</sup> day of June 2011

  
Administrative Law Judge