

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

)	
Robert Franklin Hurley and)	
Scott Allen Wilhite,)	HPA Docket No. 11-0423
)	
)	Consent Decision
Respondents.)	and Order

Consent Decision and Order as to Robert Franklin Hurley

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. §§ 1821-1831), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent Robert Franklin Hurley 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 Robert Franklin Hurley 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

1. Respondent Robert Franklin Hurley is an individual whose mailing address is 15 Sunset Lane, Hayden, Alabama 35079. At all times mentioned herein said respondent was the owner of the horse known as "Paroled with a Vengeance" (a/k/a/ "Paroled with a Vengeance").

2. On October 31, 2009, respondent Robert Franklin Hurley entered for the purpose of showing or exhibiting the horse known as "Paroled With a Vengeance" (a/k/a/ "Paroled with a Vengeance") as entry number 526 in class number 30, at the ASHA 4th Annual Fall Extravaganza 2009.

3. On October 31, 2009, respondent Robert Franklin Hurley allowed the entry for the purpose of showing or exhibiting the horse known as "Paroled With a Vengeance" (a/k/a/ "Paroled with a Vengeance") as entry number 526 in class number 30, at the ASHA 4th Annual Fall Extravaganza 2009.

Conclusions

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

Order

Respondent Robert Franklin Hurley is 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 on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

[Redacted signature]

Robert Franklin Hurley
Respondent

[Redacted signature]

Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 10th day of November, 2011

[Redacted signature]

Administrative Law Judge