

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Keith Rabon,)
Hoyt Rabon d/b/a Hoyt Rabon Stables, and) HPA Docket No.11-0432
Howard Bellamy,) Consent Decision
Respondents.) and Order

AND

In re:

Hoyt Rabon d/b/a Hoyt Rabon Stables and)
Keith Rabon,) HPA Docket No.11-0435
Respondents.) Consent Decision
and Order

Consent Decision and Order as to Hoyt Rabon, d/b/a Hoyt Rabon Stables

These proceedings were instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. §§ 1821-1831), by complaints filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent Hoyt Rabon 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 Hoyt Rabon 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 Hoyt Rabon, is an individual, doing business as Hoyt Rabon Stables, whose mailing address is 7883 Louisville Road, Aynor, South Carolina 29511. At all times mentioned herein said respondent was a co-owner of the horse known as "Then Came Sunday."

2. On July 13, 2007, respondent Hoyt Rabon entered for the purpose of showing or exhibiting the horse known as "Then Came Sunday" as entry number 345 in class number 22, at the Land-O-The-Sky Horse Show in Asheville, North Carolina.

3. On July 13, 2007, respondent Hoyt Rabon allowed the entry for the purpose of showing or exhibiting the horse known as "Then Came Sunday" as entry number 345 in class number 22, at the Land-O-The-Sky Horse Show in Asheville, North Carolina.

4. Respondent Hoyt Rabon, is an individual, doing business as Hoyt Rabon Stables, whose mailing address is 7883 Louisville Road, Aynor, South Carolina 29511. At all times mentioned herein said respondent was the owner of the horse known as "My Major General."

5. On July 12, 2008, respondent Hoyt Rabon entered for the purpose of showing or exhibiting the horse known as "My Major General" as entry number 52 in class number 58, at the Land-O-The-Sky Horse Show in Asheville, North Carolina.

6. On July 12, 2008, respondent Hoyt Rabon allowed the entry for the purpose of showing or exhibiting the horse known as "My Major General" as entry number 52 in class number 58, at the Land-O-The-Sky Horse Show in Asheville, North Carolina.

Conclusions

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

Order

1. Respondent is disqualified for two years 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 respondents.

Copies of this decision shall be served upon the parties.

[Redacted signature]

Hoyt Rabon, d/b/a Hoyt Rabon Stables
Respondent

[Redacted signature]

Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 22nd day of November, 2011

[Redacted signature]

Administrative Law Judge