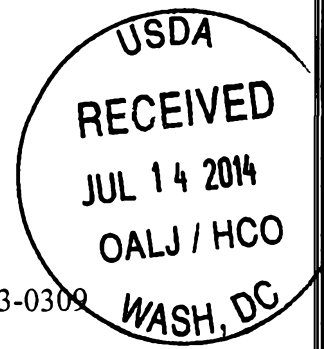


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) HPA Docket Nos.: 13-0309
) and 13-0312
Michael Scott Beaty and Quentin Fox,)
) Consent Decision and Order
Respondents.)

This proceeding was instituted under the Horse Protection Act, as amended, 15 U.S.C. §§ 1821-1831 (the Act), and regulations promulgated thereunder (9 C.F.R. §§ 11.1-11.40 and §§ 12.1-12.10), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture, alleging that the respondents violated the Act.¹ 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).

Respondents Michael Scott Beaty and Quentin Fox admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations in the complaint, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Michael Scott Beaty is a resident of the state of Tennessee with a mailing address of 1033 Bill Easterly Road, Byrdstown, Tennessee 38549.

¹The complaint that initiated this proceeding was originally captioned In re: Michael Scotty Beaty, Abby L. Fox, and Quentin Fox, HPA Docket Nos.: 13-0309, 13-0311, and 13-0312. On July 11, 2014, complainant filed a motion to dismiss this proceeding as to respondent Abby L. Fox and to re-caption the proceeding as In re: Michael Scotty Beaty and Quentin Fox, HPA Docket Nos.: 13-0309 and 13-0312.

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Jul. 10 2014 05:10PM P3

2. Respondent Quentin Fox is a resident of the State of Tennessee with a mailing address of 350 John Garrison Road, Cookeville, Tennessee 38501. At all times material herein said respondent was the owner of the horse known as "Mayday Jazz."

3. On or about August 23, 2012, respondent Michael Scott Beaty entered the horse known as "Mayday Jazz" as entry number 382, class number 30A, at the 74th Annual Tennessee Walking Horse National Celebration Show in Shelbyville, Tennessee, for the purpose of showing or exhibiting the horse.

5. On or about August 23, 2012, respondent Quentin Fox allowed the entry of the horse known as "Mayday Jazz" as entry number 382, class number 30A, at the 74th Annual Tennessee Walking Horse National Celebration Show in Shelbyville, Tennessee, for the purpose of showing or exhibiting the horse.

Conclusions

Respondents having admitted the jurisdictional facts and findings of fact, and the parties having agreed to the entry of this decision, the following order will be entered.

Order

1.(a) Beginning on the effective date of this decision and order, respondent Michael Scott Beaty is disqualified for sixteen (16) months from entering, showing, or exhibiting 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, 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

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Jul. 10 2014 05:10PM P4

in any area where spectators are not allowed, and financing the participation of others in equine events.

(b) Respondent Michael Scott Beaty is assessed a civil penalty of \$2,200.00.

(c) The disqualification period and civil penalty set forth in paragraphs 1(a) and 1(b) herein shall be in settlement of (i) respondent Beaty's violations of the Act and its accompanying regulations that were alleged in the administrative complaint that initiated this proceeding, and (ii) any and all other violations of the Act and its accompanying regulations that the Administrator, APHIS, has alleged or might allege that respondent Beaty has committed, up to and including the effective date of this consent decision and order.

2. Beginning on the effective date of this decision and order, respondent Quentin Fox is disqualified for eight (8) months from entering, showing, or exhibiting, or allowing the entry, showing, or exhibition of any horse, directly or indirectly, through any agent, employee, or other device. For the duration of said disqualification period, respondent Quentin Fox shall not gift or otherwise transfer ownership, title, or custody of any of his horses to any actual or potential participant in any horse show or exhibition unless he first sells said horses to said participant for their full market value prior to the show or exhibition. Beginning on the effective date of this decision and order, respondent Quentin Fox also is disqualified for eight (8) months from judging, managing, or otherwise participating in any horse show, horse exhibition, 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.

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3. Both respondents shall sign this consent decision and order and send the signed original to U.S. Department of Agriculture, Office of the General Counsel, Attn: Thomas N. Bolick, Room 2319 South Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250-1400. Within ten (10) days from the effective date of this order, respondent Beaty also shall send a certified check or money order in the amount of two thousand, two hundred dollars (\$2,200.00), payable to the Treasurer of the United States, to USDA APHIS General, P.O. Box 979043, St. Louis, Missouri 63197-9000. The certified check or money order shall include the docket number of this proceeding in the memo section of the check or money order.


4. This decision and order shall become final and effective on the date on which it is signed and issued by an Administrative Law Judge.

5. Copies of this decision and order shall be served upon the parties.


 Michael Scott Beaty
 Respondent


 Quentin Fox
 Respondent


 Thomas B. Kakassy, Esq.
 Attorney for Respondents


 Thomas N. Bolick
 Attorney for Complainant

Done at Washington, D.C.

this 14 day of July, 2014



 Administrative Law Judge
 Jill S. Clifton

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- Both respondents shall sign this consent decision and order and send the signed original to U.S. Department of Agriculture, Office of the General Counsel, Attn: Thomas N. Bolick, Room 2319 South Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250-1400. Within ten (10) days from the effective date of this order, respondent Beary also shall send a certified check or money order in the amount of two thousand, two hundred dollars (\$2,200.00), payable to the Treasurer of the United States, to USDA APHIS General, P.O. Box 979043, St. Louis, Missouri 63197-9000. The certified check or money order shall include the docket number of this proceeding in the memo section of the check or money order.
- This decision and order shall become final and effective on the date on which it is signed and issued by an Administrative Law Judge.
- Copies of this decision and order shall be served upon the parties.

Michael Scott Beary
Respondent

Quentin Fox
Respondent

Thomas B. Kakassy, Esq.
Attorney for Respondents

Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 14 day of July, 2014

Administrative Law Judge
Jill S. Clifton

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