

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Jack G. Heffington,) Docket No. 14-0053
)
)
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 way of an amended complaint to Docket No. 12-0199, which was 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 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 Jack G. Heffington is an individual whose current mailing address is 409 Elm Street, Shelbyville, Tennessee 37160.

B. At all times material herein, respondent Jack G. Heffington was the owner of the horse known as "Better Stand Back" and entered this horse as Entry No. 158, Class No. 23, on July 21, 2012, at the Parker's Crossroads Walking Horse Show in Parker's Crossroads, Tennessee.

Conclusions

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

Order

1. Respondent Jack G. Heffington is assessed a civil penalty of \$1,100. The civil penalty shall be paid by certified check, payable to the "Treasurer of the United States". The certified check shall include the docket number of these proceedings, namely Docket No. 14-0053. The certified check shall be mailed to: USDA/APHIS, P.O. Box 979043, St. Louis, Missouri, 63197-9000.
2. Respondent Jack G. Heffington is disqualified for an uninterrupted period of seven (7) months 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 period of disqualification is to begin on the first day after the Respondent has fulfilled his obligations under the consent decision in Docket No. 12-0199, including payment in full of the civil penalty thereunder.
3. Failure to pay the civil penalty in this case will result in Respondent's disqualification remaining in effect beyond the agreed upon seven (7) months, until the first day after receipt of such payment. Under no circumstances shall this paragraph be interpreted to mean that the Respondent's disqualification can be shortened by early payment of the civil penalty.

4. From the effective date of this consent agreement through the duration of the disqualification period imposed herein, Respondent 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.

5. 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.



Jack Heffington
Respondent



Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.
this 5 day of Dec, 20


Administrative Law Judge

Jill S. Clifton