

U.S. DEPARTMENT OF AGRICULTURE
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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) HPA Docket No. 15-0141
)
BRENT COBURN,)
)
Respondent.) MODIFIED CONSENT
DECISION AND ORDER

This proceeding was instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*)(HPA or Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on December 23, 2016, alleging that the respondent violated the Act.

On March 10, 2017, Administrative Law Judge Jill S. Clifton filed a consent decision and order that had been entered into and executed by the parties, and which resolved this matter as to respondent Brent Coburn. APHIS and respondent Brent Coburn have now conferred, and have consented and agreed to the entry of this modified consent decision in substitution of and to supersede the original consent decision filed on March 10, 2017.

Respondent Brent Coburn admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, and waives oral hearing and further procedure. The parties consent and agree to the entry of this decision for the purpose of settling this proceeding as to respondent Coburn, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including August 15, 2018. Respondent Coburn waives any action under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) in connection with this proceeding. 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).

Findings of Fact

1. Respondent Brent Coburn is an individual residing in [REDACTED] and at all times mentioned herein was a "person" and an "exhibitor," as those terms are defined in the regulations promulgated under the Act (9 C.F.R. Parts 11 and 12)(Regulations).

2. On or about October 23, 2010, respondent Brent Coburn entered a horse (José’s Don Julio) to be shown in class 48 in a horse show in White Pine, Tennessee.

3. On or about August 25, 2012, respondent Brent Coburn showed a horse (Fenway Finesse) in class 73A in a horse show in Shelbyville, Tennessee.

4. On or about May 17, 2013, respondent Brent Coburn entered a horse (Ninth Symphony) for showing in class 25 in a horse show in Harriman, Tennessee.

5. On or about August 31, 2013, respondent Brent Coburn entered a horse (Catfish Hunter) for showing in class 171 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent having admitted the findings of fact set forth above, and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Brent Coburn is disqualified for one year and six months, beginning March 9, 2017, and ending September 8, 2018, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating¹ in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

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¹“Participating” means engaging in any activity beyond that of a spectator in connection with a horse show, horse exhibition, or horse sale or auction, 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.

The provisions of this order shall become final and effective as of September 8, 2018. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted Signature]

Brent Coburn
Respondent

[Redacted Signature]

Thomas B. Kakassy
Attorney for Respondent

[Redacted Signature]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 31 day of AUG 2018

[Redacted Signature]

Jill S. Clifton
Administrative Law Judge