

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2017 SEP -1 PM 4: 30

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In re:)	HPA Docket No. 17-0068
)	HPA Docket No. 17-0069
FRED ALLRED, an individual;)	HPA Docket No. 17-0070
SCOTT BEATY, an individual; and)	
TINA GRAVES, an individual,)	
)	
Respondents.)	CONSENT DECISION AND ORDER AS TO RESPONDENT FRED ALLRED

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 29, 2016, alleging that the respondents violated the Act.

Respondent Fred Allred 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 Fred Allred, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including August 30, 2017. 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 Fred Allred, also known as Bailey Fred Allred, 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).

2. On August 26, 2016, respondent Allred allowed the entry of a horse he owned (She Has Status), for the purpose of showing the horse, in class 57 in a horse show in Shelbyville,

Tennessee.

Conclusion of Law

Respondent Allred 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

1. Respondent Allred is disqualified for four months, beginning January 1, 2018, and ending April 30, 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.

2. Respondent Allred is assessed a civil penalty of \$550, which shall be paid by October 1, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0068, and sent to:

USDA, APHIS, MISCELLANEOUS
P.O. Box 979043
St. Louis, Missouri 63197-9000

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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 on August 30, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.


Fred Allred
Respondent


Thomas B. Kakassy
Attorney for Respondent

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 1st day of September 2017


Channing D. Strother
Administrative Law Judge

The provisions of this order shall become final and effective on August 30, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

Fred Allred
Respondent



Colleen A. Carroll
Attorney for Complainant

Thomas B. Kakassy
Attorney for Respondent

Done at Washington, D.C.,
this 1st day of September 2017



Channing D. Strother
Administrative Law Judge

CERTIFICATE OF SERVICE

Fred Allred, Scott Beaty and Tina Graves, Respondents

Docket: 17-0068, 17-0069 & 17-0070

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the CONSENT DECISION AND ORDER AS TO RESPONDENT FRED ALLRED has been furnished and was served upon the following parties on September 5, 2017 by the following:

USDA (OGC) - Electronic Mail

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Respectfully Submitted,


Caroline Hill, Assistant Hearing Clerk
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