

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) HPA Docket No. 17-0086
)
REBECCA EMERICK, an individual;)
)
Respondent.) CONSENT DECISION AND
ORDER

REC'D - USDA/OALJ/OHC
2019 DEC 17 PM 1:15

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 January 9, 2017, alleging that the respondents violated the Act.

The parties consent and agree to the entry of this decision for the purpose of settling this proceeding as to respondent Rebecca Emerick and resolving any and all other alleged or potential violations of the Act by her occurring up to and including September 2, 2018. Respondent Rebecca Emerick admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter; she specifically denies that she violated the Act. She neither admits or denies any remaining allegations, and she waives oral hearing and further procedure. Furthermore, respondent waives any action against the complainant under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) and each party will bear its own attorney's fees and court costs. 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 Rebecca Emerick 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 or about August 26, 2016, respondent Rebecca Emerick allowed the entry of a horse she owned (Honor My Cash) for showing in class 50 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Rebecca Emerick 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 Rebecca Emerick is disqualified for four months, beginning December 15, 2019, and ending April 15, 2020, 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 Rebecca Emerick is assessed a civil penalty of \$550, which shall be paid by April 30, 2020, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0086, 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.

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The provisions of this order shall be final and effective as of January 1, 2020. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted]

Karin Cagle
Attorney for Respondent

Tracey Manoff
Attorney for Complainant

Done at Washington, D.C.,
this 17th day of December, 2019

[Redacted]

Channing D. Stoyler
Administrative Law Judge

Chief

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The provisions of this order shall be final and effective as of January 1, 2020. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

Rebecca Emerick
Respondent,



Karin Cagle

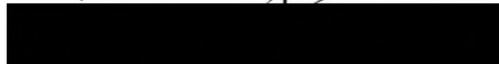
Karin Cagle
Attorney for Respondent



Tracey Manoff

Attorney for Complainant

Done at Washington, D.C.,
this *7th* day of *December* 2019



Channing D. Strother

Channing D. Strother
Administrative Law Judge