

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
)
RONNIE CAMPBELL,)
)
an individual d/b/a THE CAMPBELL PLACE,)
)
)
Respondent)

HPA Docket No. 17-0074

DEFAULT DECISION AND ORDER

Preliminary Statement

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 *et seq.*) [Act], and the regulations promulgated thereunder (9 C.F.R. §§ 11.1-11.4) [Regulations]. This proceeding initiated with a complaint filed on December 29, 2016 by the Administrator, Animal and Plant Health and Inspection Service [APHIS], of the United States Department of Agriculture [USDA; Complainant]. The Complaint alleges that Ronnie Campbell, an individual doing business as The Campbell Place [Respondent], violated the Act by entering two horses, "All In" and "P. Diddy's First Lady" in a horse show on August 25, 2016 and August 26, 2016, respectively, while those horses were sore.

The Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes [Rules of Practice], set forth at 7 C.F.R. § 1.130 *et seq.*, apply to adjudication of the instant matter. Pursuant to the Rules of Practice, Respondent was required to file an answer within twenty (20) days after service of the Complaint. 7 C.F.R. §

1.136(a). The Hearing Clerk's records reflect that Respondent failed to file a timely answer to the Complaint.¹

On January 31, 2017, Complainant filed with the Hearing Clerk a "Motion for Adoption of Decision and Order by Reason of Default" [Motion for Default] and proposed "Decision and Order by Reason of Default" [Proposed Decision]. Respondent did not file any objections to Complainant's Motion.²

Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision. 7 C.F.R. § 1.136(c). As Respondent failed to file an answer within the time period prescribed in section 1.136 of the Rules of Practice (7 C.F.R. § 1.136), this Decision and Order is issued without further procedure or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Ronnie Campbell is an individual doing business as The Campbell Place and whose mailing address is [REDACTED]. At all times

¹ United States Postal Service records reflect that the Complaint was delivered to Respondent's address on January 3, 2017. Respondent had twenty (20) days from the date of service to file a response. Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. §§ 1.147(g), (h). In this case, Respondent's answer was due by January 23, 2017. Respondent did not file an answer on or before that date.

² United States Postal Service records reflect that the Motion for Default and Proposed Decision were delivered to Respondent's address on February 7, 2017. Respondent had twenty (20) days from the date of service to file objections to Complainant's Motion. 7 C.F.R. § 1.139. Weekends and federal holidays shall not be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. §§ 1.147(g), (h). In this case, Respondent's objections were due by February 27, 2017. Respondent did not file any objections by that date. Although Respondent filed an email requesting to "file a[n] injunction" on February 27, 2017, the email does not respond to or make reference to Complainant's Motion for Default.

mentioned herein, Respondent was a “person” and an “exhibitor,” as those terms are defined in the Regulations issued pursuant to the Act (9 C.F.R. § 11.1 *et seq.*).

2. The nature and circumstances of the prohibited conduct alleged in the Complaint are that Respondent entered two horses he owned in a horse show while the horses were “sore,” as that term is defined in the Act and Regulations. The extent of the prohibited conduct is great. The Complaint alleges, and Respondent is deemed to have admitted, that he violated the HPA with respect to two horses that he owned. The gravity of the prohibited conduct alleged in the Complaint is great. Congress enacted the HPA to end the practice of making gaited horses, including Tennessee Walking Horses, “sore” for the purpose of altering their natural gait to achieve a higher-stepping gait and gaining an unfair advantage during performances at horse shows.³
3. Respondent is culpable for the violations alleged in the Complaint. Owners of horses are absolute guarantors that those horses will not be sore within the meaning of the Act when they are entered or shown.⁴

[REDACTED]

3

When the front limbs of a horse have been deliberately made “sore,” usually by using chains or chemicals, “the intense pain which the animal suffered when placing his forefeet on the ground would cause him to lift them up quickly and thrust them forward, producing exactly [the distinctive high-stepping gait of a champion Walker].” H.R. Rep. No. 91-1597, 91st Cong., 2d Sess. 2 (1970), *reprinted in* 1970 U.S.C.C.A.N. 4870,4 871. Congress’ reasons for prohibiting this practice were twofold. First, it inflicted unnecessary pain on the animals; and second, those who made their animal “sore” gained an unfair competitive advantage over those who relied on skill and patience. In 1976, Congress significantly strengthened the Act by amending it to make clear that intent to make a horse ‘sore’ is not necessary an element of a violation. *See Thornton v. U.S.D.A.*, 715 F.2d 1508, 1511-12 (11th Cir. 1983).

Edwards, 55 Agric. Dec. 892, 950 (U.S.D.A. 1996).

⁴ Carl Edwards & Sons Stables, 56 Agric. Dec. 529, 588-89 (U.S.D.A. 1997); Edwards, 55 Agric. Dec. 892, 979 (U.S.D.A. 1996).

4. APHIS has issued warning letters to Respondent. On April 22, 2015, APHIS issued an Official Warning (TN 150113) to Respondent with respect to having entered a horse (Walking Revenge) in a horse show on August 22, 2014, which horse APHIS found was bearing a prohibited substance. On July 22, 2016, APHIS issued an Official Warning (TN 160165) to Respondent with respect to his having entered a horse (All In) in a horse show on August 27, 2015, which horse APHIS found was sore and was bearing a prohibited substance.

Conclusions of Law

1. The Secretary, USDA, has jurisdiction in this matter.
2. On or about August 25, 2016, Respondent entered a horse he owned (All In⁵) while the horse was sore, for showing in class 32 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
3. On August 26, 2016, Respondent entered a horse he owned (P. Diddy's First Lady⁶) while the horse was sore, for showing in class 58 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).

ORDER

1. Respondent Ronnie Campbell is assessed a \$4,400 civil penalty, which shall be paid by certified check or money order, made payable to the "Treasurer of the United States," indicating that the payment is in reference to HPA Docket No. 17-0074, and sent to:

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

⁵ All In is believed to be a fourteen-year-old stallion registered as 20211586.

⁶ P. Diddy's First Lady is believed to be a four-year-old mare registered as 21104025.

2. Respondent is disqualified for two years from showing or exhibiting any horse in any show, horse exhibition, horse sale, or horse auction, directly or indirectly through any agent, employee, corporation, partnership, or other device, and from judging or managing any horse show, horse exhibition, horse sale, or horse action.
3. This Order shall take effect on the day that this Decision becomes final.

This Decision and Order shall be final and effective without further proceedings thirty-five (35) days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service, pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties with courtesy copies provided via email where available.

Done at Washington, D.C.,

this 22nd day of March, 2017



Bobbie J. McCartney
Chief Administrative Law Judge

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