

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/DALJ/OHC
2020 FEB 26 PM3:03

In re:

Howard Hamilton and)	HPA Docket No. 13-0365
Patrick W. Thomas,)	HPA Docket No. 13-0366
Respondents.)	

CONSENT DECISION AND ORDER AS TO HOWARD HAMILTON

These proceedings were instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*)(HPA or Act), by a complaint filed on September 13, 2013 by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), alleging that the respondents violated the Act.

Respondent Howard Hamilton admits the jurisdictional allegations in the complaint as to him, specifically admits that the Secretary has jurisdiction in this matter, 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 these proceedings as to Howard Hamilton, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including February 20, 2020. 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 Howard Hamilton is an individual who, at all times relevant to the complaint, resided in [REDACTED].

2. On or about June 22, 2012, Howard Hamilton entered a horse (Don't Tread On Me) for showing in class 5 of a horse show in Guntown, Mississippi.

3. On or about July 21, 2012, Howard Hamilton entered a horse (A Magic Stroke) for showing in class 22 of a horse show in Crossroads, Tennessee.

Conclusion of Law

Respondent Howard Hamilton 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 Howard Hamilton is disqualified for eight months, beginning on October 26, 2020 and ending on June 25, 2021, 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. This disqualification will continue after June 25, 2021 pending payment of any unpaid civil penalty, per paragraph 2 of this Order.

2. Respondent Howard Hamilton is assessed a civil penalty of \$1,100, which shall be paid by June 25, 2021 by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 13-0365, and sent to:

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

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 March 9, 2020. Copies of this decision shall be served upon the parties.



Howard Hamilton
Respondent




Thomas B. Kakassy
Attorney for Respondent



Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.,
this 26th day of February, 2020



Channing D. Strother
Chief Administrative Law Judge