

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) HPA Docket No. 17-0205
)
JEFFREY L. GREEN, an individual,)
) CONSENT DECISION
) AND ORDER
Respondent)

REC'D - USDA/OALJ/OHC
2020 NOV 4 PM 1:49

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.) (HPA or Act), by an amended complaint filed by APHIS on July 31, 2019, alleging that the respondent violated the Act.

The parties consent and agree to the entry of this decision for the purpose of settling this proceeding as to Respondent Jeffrey L. Green and resolving any and all other alleged or potential violations of the Act by him occurring up to and including October 27, 2020. Respondent Green admits the jurisdictional allegations in the amended complaint and specifically admits that the Secretary has jurisdiction in this matter. Respondent Green neither admits nor denies the remaining allegations, waives oral hearing and all further procedure, and waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Consent Decision and Order under the Administrative Procedure Act and the Constitution of the United States. Furthermore, Respondent Green waives any action against the USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by Respondent Green in connection with this proceeding or any action against any USDA employee in their individual capacity.

FINDINGS OF FACT

1. Respondent Green is an individual residing in Tennessee, 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 August 27, 2014, Respondent Green entered a horse (Strokin’ Ritz) for showing in class 131B in a horse show in Shelbyville, Tennessee.

3. On or about November 14, 2015, Respondent Green entered a horse (Our Commander in Chief) for showing in class 22 in a horse show in Shelbyville, Tennessee.

4. On or about March 18, 2016, Respondent Green entered a horse (Waitin’ On Parole) for showing in class 22 in a horse show in Shelbyville, Tennessee.

5. On or about March 18, 2016, Respondent Green entered a horse (Jose’s Ritzy Hawk) for showing in class 31 in a horse show in Shelbyville, Tennessee.

6. On or about March 18, 2016, Respondent Green entered a horse (Pearl Gun) for showing in class 32 in a horse show in Shelbyville, Tennessee.

7. On or about March 19, 2016, Respondent Green entered a horse (Black Hawk’s Boogie Man) for showing in class 57 in a horse show in Shelbyville, Tennessee.

8. On or about March 31, 2016, Respondent Green entered a horse (Jose’s Ritzy Hawk) for showing in class 6 in a horse show in Jackson, Mississippi.

9. On or about April 2, 2016, Respondent Green entered a horse (Brother Sovereign) for showing in class 51 in a horse show in Jackson, Mississippi.

10. On or about April 2, 2016, Respondent Green entered a horse (Magic’s Pure Ritz) for showing in class 70 in a horse show in Jackson, Mississippi.

11. On or about April 30, 2016, Respondent Green entered a horse (Addicted to Gin) for showing in class 6 in a horse show in Shelbyville, Tennessee.

12. On or about April 30, 2016, Respondent Green entered a horse (Lady Vol) for showing in class 9 in a horse show in Shelbyville, Tennessee.

13. On or about April 30, 2016, Respondent Green entered a horse (Jazz 'N' Ebony) for showing in class 10A in a horse show in Shelbyville, Tennessee.

14. On or about May 21, 2016, Respondent Green entered a horse (Royal Title) for showing in class 18 in a horse show in Petersburg, Tennessee.

15. On or about July 15, 2016, Respondent Green entered a horse (Mo's Calamity Jane) for showing in class 25 in a horse show in Petersburg, Tennessee.

16. On or about July 22, 2016, Respondent Green entered a horse (Mayday Jazz) for showing in class 11 in a horse show in Lewisburg, Tennessee.

17. On or about July 23, 2016, Respondent Green entered a horse (Mayday Jazz) for showing in class 4 in a horse show in Pulaski, Tennessee.

18. On or about August 6, 2016, Respondent Green entered a horse (Waitin' On Parole) for showing in class 19 in a horse show in Wartrace, Tennessee.

19. On or about August 25, 2016, Respondent Green entered a horse (I'm Tampa Bay) for showing in class 25 in a horse show in Shelbyville, Tennessee.

20. On or about August 26, 2016, Respondent Green entered a horse (Addicted to Gin) for showing in class 51A in a horse show in Shelbyville, Tennessee.

21. On or about August 27, 2016, Respondent Green entered a horse (Chris Crossed) for showing in class 73 in a horse show in Shelbyville, Tennessee.

22. On or about September 3, 2016, Respondent Green entered a horse (Our Commander in Chief) for showing in class 187 in a horse show in Shelbyville, Tennessee.

CONCLUSIONS OF LAW

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

ORDER

1. Respondent Green is disqualified for forty-eight (48) months, beginning September 15, 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.

2. Respondent Green is assessed a civil penalty of six-thousand dollars (\$6,000), which shall be paid within 60 days of the entry of this Consent Decision and Order, by check made payable to the U.S. Treasury, indicating that the payment is in reference to HPA Docket No. 17-0205, and sent to:

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

The provisions of this order shall become final and effective as of the date of signature.

Copies of this decision shall be served upon the parties.

By: [Redacted]
Jeffrey E. Green
The Respondent

By: [Redacted]
Robin Webb
Attorney for The Respondent

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.

By: _____

John V. Rodriguez
Attorney for The Complainant

Done at Washington, D.C.,
this 4 day of November 2020

By: _____

Tierney Carlos
Administrative Law Judge