

2017 MAY 12 AM 8:57

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 17-0067
)	
RAE SHUMATE-TYSOR, an individual,)	
)	CONSENT DECISION
Respondent.)	AND ORDER

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.)(HPA or Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on December 29, 2016, alleging that the respondent violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to these proceedings (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees to the entry of this decision, for the purpose of settling this proceeding. The complainant agrees to the entry of this decision.

Findings of Fact

Rae Shumate-Tysor is an individual whose mailing address is (b) (6)

(b) (6) At all times mentioned in the complaint, Ms. Shumate-Tysor 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.)(Regulations).

Conclusions of Law

The respondent has admitted the findings of fact set forth above and the parties have agreed to the entry of this decision. Therefore, such decision will be entered.

Order

1. Respondent is assessed a civil penalty of \$4,400, to be paid by May 15, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0067, and sent to:

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

2. Respondent is disqualified for three months, beginning July 10, 2017, and ending October 9, 2017, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.¹

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.



Rae Shumate-Tysor
Respondent



Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 12 day of MAY 2017



Jill S. Clifton
Administrative Law Judge

¹“Participating” means engaging in any activity beyond that of a spectator, 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.

CERTIFICATE OF SERVICE

Rea Shumate-Tysor, Respondents

Docket: 17-0067

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 (SIGNED) CONSENT DECISION AND ORDER has been furnished and was served upon the following parties on May 12, 2017 by the following:

USDA (OGC) - Electronic Mail

Colleen A. Carroll, OGC

Colleen.Carroll@ogc.usda.gov

Ada Quick, OGC

Ada.Quick@ogc.usda.gov

Annalisa Jabaily, OGC

Annalisa.Jabaily@ogc.usda.gov

Donna Erwin, OGC

Donna.Erwin@ogc.usda.gov

Respondent(s) – Electronic Mail

Patrick J. McDonough, Esq.

Melody A. Glouton, Esq.

One Sugarloaf Centre

1960 Satellite Blvd., Suite 4000

Duluth, GA 30097

Tel: (770) 822-0900

Fax: (770) 822-9680

mglouton@atclawfirm.com

USDA (APHIS) - Electronic Mail

IES Legals, APHIS

IESLegals@aphis.usda.gov

AC RSS Mailbox, APHIS

ac.rss.mailbox@aphis.usda.gov

Respectfully Submitted,

Eliuth Morón, Legal Assistant
USDA/Office of Administrative Law Judges
Hearing Clerk's Office
1400 Independence Ave., SW, Room 1031-S
Washington, DC 20250-9203
Phone: 202-720-4443