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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket 17-0134
)	
BOBBY HUGH, an individual,)	
)	
Respondent.)	CONSENT DECISION AND
_____)	ORDER

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 11, 2017, alleging that the respondents violated the Act.

Respondent Bobby Hugh admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, neither admits nor 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 this proceeding as to respondent Bobby Hugh, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including August 15, 2018. Respondent Bobby Hugh waives any action under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) in connection with this proceeding. 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 Bobby Hugh 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 April 22, 2016, respondent Bobby Hugh showed a horse (Maroon 5),

in class 23 in a horse show in Panama Beach, Florida.

3. On or about September 1, 2016, respondent Bobby Hugh entered a horse (I Am the Rock, Jr.), for showing in class 153 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Bobby Hugh 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 Bobby Hugh is disqualified for eight months, beginning September 2, 2018, and ending May 1, 2019, 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

2. Respondent Bobby Hugh is assessed a civil penalty of \$1,100, which shall be paid by ~~September 2, 2018~~ ^{November 1, 2018} ~~BB~~ ^{AK}, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0134, 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, 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 September 2, 2018. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted]

Bobby Hugh
Respondent

[Redacted]

Brenda S. Bramlett
Attorney for Respondent

[Redacted]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 5th day of September 2018

[Redacted]

Channing D. Strother
Acting Chief Administrative Law Judge