

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:)	HPA Docket No. 17-0162
)	HPA Docket No. 17-0163
JUDY CASE, an individual;)	HPA Docket No. 17-0164
HERBERT DERICKSON, an individual;)	HPA Docket No. 17-0165
SUE IRBY, an individual; and)	
TERRY ALAN RIDDLEY, an individual,)	CONSENT
)	DECISION AND ORDER
Respondents)	AS TO RESPONDENT SUE IRBY

This proceeding was instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*) (Act) by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on January 12, 2017, alleging that the respondents violated the Act. 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).

Respondent Sue Irby admits the jurisdictional allegations in the complaint, 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

1. At all times mentioned herein, respondent Sue Irby was an individual residing in [REDACTED] and 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 August 27, 2016, respondent Sue Irby allowed a horse that she owned (Gin Toddy) to be shown in class 73 in a horse show in Shelbyville, Tennessee.

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Conclusions of Law

Respondent Sue Irby 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 Sue Irby is assessed a civil penalty of \$550, which shall be paid in full by September 4, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket 17-0164, and sent to:

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

2. Respondent Sue Irby is disqualified for four months, beginning September 4, 2017, and ending January 3, 2018, 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.

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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 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 July 10, 2017. Copies of this decision shall be served upon the parties.


Sue Irby
Respondent


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 13th day of July 2017


Administrative Law Judge

CERTIFICATE OF SERVICE

Sue Irby, Respondent

Docket: 17-0164

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 CONSENT DECISION AND ORDER AS TO RESPONDENT SUE IRBY has been furnished and was served upon the following parties on July 18, 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

USDA (APHIS) - Electronic Mail

IES, APHIS

IESLegals@aphis.usda.gov

AC RSS Mailbox, APHIS

ac.rss.mailbox@aphis.usda.gov

Respondent(s) – Electronic Regular Mail

(b) (6)

Respectfully Submitted,



Aiesha Bynum-
y, gal Assistant
USDA/Office of Administrative Law Judges
Hearing Clerk's Office
1400 Independence Ave., SW, Room 1031-S
Washington, DC 20250-9203