

USDA
OALJ/OHC
P. 002

2017 AUG 31 PM 3: 29

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 17-0092
)	
BERT HEAD, 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 10, 2017, alleging that the respondent violated the Act.

Respondent Bert Head 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, and resolving any and all other alleged or potential violations of the Act by respondent occurring up to and including August 30, 2017. 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 Bert Head 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 August 31, 2016, respondent Head entered a horse he owned (Master of Bourbon Street), for the purpose of showing the horse, in class 138 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Head 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 Head 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.

2. Respondent Head is assessed a civil penalty of \$550, which shall be paid by October 1, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0092, 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 August 30, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[REDACTED]

Bert Head
Respondent

[REDACTED]

Colleen A. Carroll
Attorney for Complainant

[REDACTED]

Thomas B. Kakassy
Attorney for Respondent

Done at Washington, D.C.,
this 31st day of August 2017

[REDACTED]

Channing D. Strother
Administrative Law Judge

CERTIFICATE OF SERVICE

Bert Head, Respondent

Docket: 17-0092

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 has been furnished and was served upon the following parties on September 1, 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 Representative- Electronic Mail

Thomas Kakassy, Esq.

Tom@kakassylaw.com

Respectfully Submitted,

A large black rectangular redaction box covering the signature of the submitter.

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