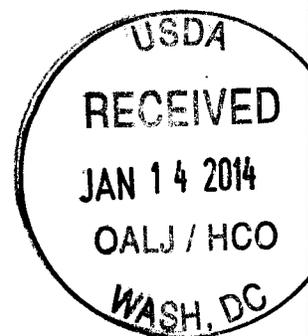


UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE



In re:)
)
Jack G. Heffington,) [HPA]
) Docket No. 12-0199
)
Respondent.)

CONSENT DECISION AND ORDER

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent 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 admits the jurisdictional allegations in paragraph I of 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, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

A. Respondent Jack G. Heffington is an individual whose current mailing address is 409 Elm Street, Shelbyville, Tennessee 37160.

B. At all times material herein, respondent Jack G. Heffington was the owner of the horse known as "My Liberty Belle" and entered this horse as Entry No. 493, Class No. 31, on November 13, 2009, at the Delta Fall Classic in Tunica, Mississippi.

Conclusions

Respondent Jack G. Heffington, having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent Jack G. Heffington is assessed a civil penalty of \$1,000, which shall be received by July 31, 2014. The civil penalty shall be paid by certified check, payable to the "Treasurer of the United States". The certified check shall include the docket number of these proceedings, namely HPA Docket No. 12-0199. The certified check shall be mailed to: USDA/APHIS, P.O. Box 979043, St. Louis, Missouri, 63197-9000.

2. Respondent Jack G. Heffington is disqualified for an uninterrupted period of 8 months beginning on December 1, 2013, 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. "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.

3. By signing this consent, respondent Jack G. Heffington certifies, that as of December 1, 2013, he has not shown, exhibited, or entered any horse, directly or indirectly through any agent, employee, or other device, nor has he judged, managed or otherwise participated in any horse show, horse exhibition, or horse sale or auction. Accordingly, Respondent's disqualification period that began on December 1, 2013, continues up to and including July 31, 2014.

4. If Respondent fails to pay the assessed civil penalty by July 31, 2014, his

disqualification shall remain in effect until the first day after APHIS receives payment of the civil penalty.

5. This order shall have the same effect as if entered after a full hearing and shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.


Jack Heffington
Respondent


Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.
this 14 day of JAN, 2014


Administrative Law Judge

Jill S. Clifton