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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Dustin Smith,

Respondent

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HPA Docket No. 15-0038

Consent Decision
and Order

This proceeding was instituted under the Horse Protection Act (“Act”), as amended (15 U.S.C. §§ 1821-1831), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that 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

1. Respondent Dustin Smith is an individual who resides in Alvaton, Kentucky.
2. On August 23, 2012, Respondent Dustin Smith entered for the purpose of showing or exhibiting the horse known as “Just Watch and Learn,” entry number 894, class number 26A, in the 74th Annual Tennessee Walking Horse National Celebration, in Shelbyville, TN.

3. On August 23, 2012, Respondent Dustin Smith entered for the purpose of showing or exhibiting the horse known as "Julio Julio," entry number 889, class number 30B, in the 74th Annual Tennessee Walking Horse National Celebration, in Shelbyville, TN.

4. On August 23, 2012, Respondent Dustin Smith showed or exhibited the horse known as "Julio Julio," entry number 889, class number 30B, in the 74th Annual Tennessee Walking Horse National Celebration, in Shelbyville, TN.

5. On August 24, 2012, Respondent Dustin Smith entered for the purpose of showing or exhibiting the horse known as "I'm Ready," entry number 890, class number 59, in the 74th Annual Tennessee Walking Horse National Celebration, in Shelbyville, TN.

Conclusions

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

Order

1. Respondent Dustin Smith is disqualified for four (4) years beginning May 1, 2015 through 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. "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.

This order shall have the same effect as if entered after a full hearing and shall become effective on the date of issuance of this order.

Copies of this decision shall be served upon the parties.

[REDACTED]

Dustin Smith
Respondent

[REDACTED]

Rupa Chilukuri
Attorney for Complainant

Done at Washington, D.C.
this 29 day of APRIL, 2015

[REDACTED]

Administrative Law Judge
Jill S. Clifton