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1UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	~~A.Q.~~ Docket No.: 16-0096
	)	
Scott Kurtenbach,	)	CTESA 8SC
	)	
Respondent	)	Consent Decision and Order

This proceeding was instituted under the Commercial Transportation of Equine to Slaughter Act (7 U.S.C. § 1901 note) (the Act) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that respondent Scott Kurtenbach (hereinafter, respondent) violated the Act and regulations promulgated thereunder (9 C.F.R. §§ 88 et seq.). The complainant and respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below.

Respondent Scott Kurtenbach waives:

(a) Any further procedure;

(b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;

(c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and

(d) Any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by respondent in connection with this proceeding.

Findings of Fact

1. Respondent Scott Kurtenbach has a mailing address of (b) (6) [redacted] (b) (6) [redacted]. Respondent purchases horses for slaughter and commercially transports or arranges the commercial transportation of the horses to Canada for slaughter.

2. On or about May 2, 2011, respondent arranged the commercial transportation of 29 slaughter horses from Billings, Montana, to a Canadian slaughter plant.

3. On or about November 15, 2011, respondent arranged the commercial transportation of 29 slaughter horses from Billings, Montana, to a Canadian slaughter plant.

4. On or about June 19, 2012, respondent arranged the commercial transportation of 33 slaughter horses from Lawlor, Iowa, to a Canadian slaughter plant.

5. On or about July 17, 2012, respondent arranged the commercial transportation of 30 slaughter horses from Lawlor, Iowa, to a Canadian slaughter plant.

6. On or about August 13, 2012, respondent arranged the commercial transportation of 32 slaughter horses from Lawlor, Iowa, to a Canadian slaughter plant.

7. On or about August 13, 2012, respondent arranged the commercial transportation of a second shipment of slaughter horses from Lawlor, Iowa, to a Canadian slaughter plant.

8. On or about May 6, 2013, respondent arranged the commercial transportation of 33 slaughter horses from Lawlor, Iowa, to a Canadian slaughter plant.

9. On or about October 30, 2013, respondent arranged the commercial transportation of 30 slaughter horses from Lawlor, Iowa, to a Canadian slaughter plant.

10. On or about May 28, 2013, respondent arranged the commercial transportation of 31 slaughter horses from Lawlor, Iowa, to a Canadian slaughter plant.

Conclusions

Respondent Scott Kurtenbach has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

Respondent Scott Kurtenbach is assessed a civil penalty of fifteen thousand dollars ($15,000.00). Respondent Scott Kurtenbach shall send a certified check or money order for fifteen thousand dollars ($15,000.00), payable to the Treasurer of the United States, to USDA, APHIS, General Lockbox, P.O. Box 979043, St. Louis, Missouri 63197-9000, within thirty (30) days from the date on which he or his attorney is served with an executed copy of this Order. The certified check or money order should include the docket number of this proceeding.

The civil penalty assessed in this Order shall be in settlement of (i) respondent Scott Kurtenbach's violations of the Act and its accompanying regulations that were alleged in the administrative complaint that initiated this proceeding, and (ii) any and all other violations of the Act and its accompanying regulations that the Administrator, APHIS, has alleged or might allege that respondent Scott Kurtenbach has committed, up to and including the effective date of this Order.

This Order shall become final and effective on the date on which it is signed and entered by an Administrative Law Judge.

[redacted]

Scott Kurtenbach
Respondent

[redacted]

Judith M. O'Donohoe, Esq.
Attorney for Respondent

[redacted]

Thomas N. Bolick
Attorney for Complainant

Issued this 8 day of SEPT, 2016

at Washington, D.C.

[redacted]

Administrative Law Judge

Jill S. Clifton