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RE ED

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 03-0003
)	
GRANDY TUCK, an individual;)	
BURL J. DALE, an individual;)	
CHARLES DALE, an individual;)	
BARBARA DALE, an individual;)	
and SPRING DALE FARMS, INC.,)	
a Florida corporation)	
)	CONSENT DECISION AND ORDER
Respondents.)	AS TO GRANDY TUCK

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by a second amended complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, 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 Grandy Tuck admits the jurisdictional allegations in the second amended 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, to the entry of this decision.

The Complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Grandy Tuck is an individual whose mailing address is 368 Anderson Road, Eden, North Carolina 27288.
2. On May 25, 2001, respondent Grandy Tuck entered "JFK's Jubilation Sun" as

entry number 41 in class number 25, in the 31st Annual Spring Fun Show, in Shelbyville, Tennessee, for the purpose of showing the horse.

CONCLUSION OF LAW

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 Grandy Tuck is disqualified for a period of one year, from October 1, 2006, through September 30, 2007, 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.

2. Respondent Grandy Tuck is assessed a civil penalty of \$1,500. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and sent to:

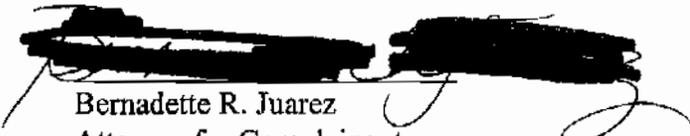
Bernadette R. Juarez
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW
Room 2343-South Building
Washington, DC 20250-1417

Payment of the civil penalty shall be sent to, and received by, Bernadette R. Juarez on or before January 27, 2006. Respondent shall state on the certified check or money order that the payment is in reference to HPA Docket No. 03-0003.

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.


Grandy Tuck
Respondent


Bernadette R. Juarez
Attorney for Complainant

Done at Washington, D.C.
this 27th day of January, 2006


Marc R. Hillson
Chief Administrative Law Judge