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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 17-0124
)	
SHAWN FULTON, an individual,)	
)	CONSENT DECISION AND
Respondent.)	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 11, 2017, alleging that the respondent violated the Act.

Respondent Shawn Fulton 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 as to respondent Shawn Fulton, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including September 2, 2018. Respondent Shawn Fulton waives any action under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) in connection with this proceeding. 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. Shawn Fulton is an individual whose resides in [REDACTED] and at all times mentioned herein, was a "person" and an "exhibitor," as those terms are defined in the Regulations under the Act (9 C.F.R. Parts 11 and 12).

2. On or about August 26, 2016, Mr. Fulton entered a horse (Famous and Andy) for

showing in class 54 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent 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 Shawn Fulton is disqualified for four months, beginning November 5, 2018, and ending March 5, 2019, 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 Shawn Fulton is assessed a civil penalty of \$550, which shall be paid by November 5, 2018, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0124, and sent to:

USDA, APHIS, MISCELLANEOUS
P.O. Box 979043
St. Louis, Missouri 63197-9000

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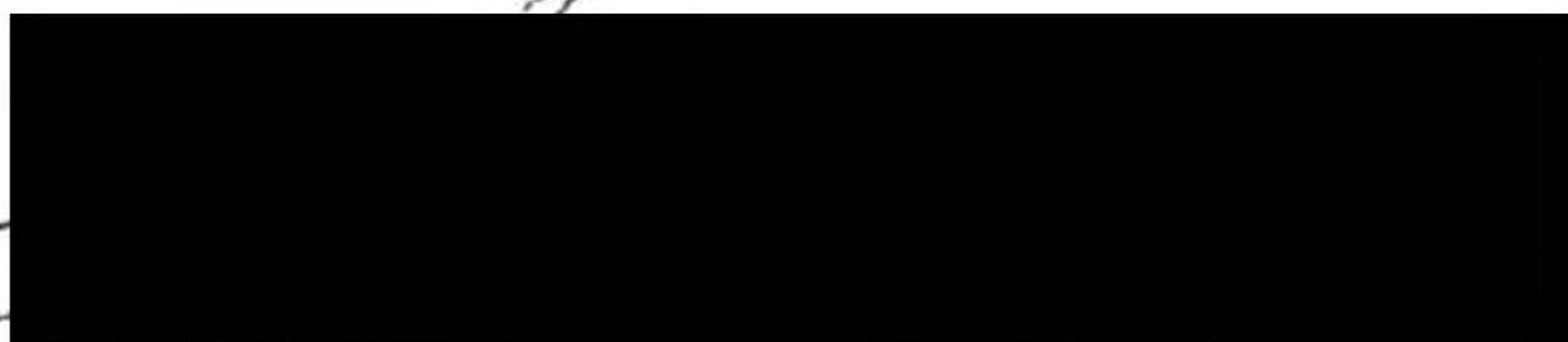
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¹“Participating” means engaging in any activity beyond that of a spectator in connection with a horse show, horse exhibition, or horse sale or auction, and includes, without limitation, transporting or arranging for the transportation of horses to 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 as of November 5, 2018. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.


Shawn Fulton
Respondent


Karin Cagle
Attorney for Respondent


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 28th day of February 2018 79


Channing D. Strother
Acting Chief Administrative Law Judge