

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Jeffrey L. Green, an individual,) HPA Docket No. 17-0205
)
Respondent.)

REC'D - USDA/OALJ/OHQ
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DECISION AND ORDER WITHOUT HEARING BY REASON OF DEFAULT

Appearances:

John V. Rodriguez, Esq., with the Office of the General Counsel, United States Department of Agriculture, Washington, DC, for the Complainant, Animal and Plant Health Inspection Service (“APHIS”);¹ and

Robin L. Webb, Esq., for the Respondent, Jeffrey L. Green.

Preliminary Statement

This is a proceeding under the Horse Protection Act, as amended (15 U.S.C. §§ 1821 *et seq.*) (“HPA” or “Act”); the regulations promulgated thereunder (9 C.F.R. §§ 11.1 through 11.4) (“Regulations”); and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 through 1.151) (“Rules of Practice”). The matter initiated with a complaint filed on February 3, 2017 by the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture (“APHIS” or “Complainant”), against Jeffrey L. Green (“Respondent”) and others.² The

¹ Complainant was previously represented by Colleen A. Carroll, Esq., who filed the Motion for Default and Proposed Decision addressed herein; however, Ms. Carroll withdrew as attorney of record on September 3, 2019. Complainant is now represented by John V. Rodriguez, Esq. *See* Substitution of Attorney at 1.

² In addition to Mr. Green, the following respondents were named in the February 3, 2017 Complaint: Christopher Alexander, an individual (HPA Docket No. 17-0195); Alias Family Investments, LLC, a Mississippi limited liability company (HPA Docket No. 17-0196); Margaret Anne Alias, an individual (HPA Docket No. 17-0197); Kelsey Andrews, an individual (HPA

Complaint alleged, *inter alia*, that Respondent committed multiple violations of the Act³ and requested that any “order or orders with respect to sanctions issued be as are authorized by the Act (15 U.S.C. § 1825) and warranted under the circumstances.”⁴ Respondent filed an answer to the Complaint on March 1, 2017.⁵

On July 31, 2019, Complainant filed an amended complaint⁶ asserting that “APHIS ha[d] identified evidence of additional alleged violations by the respondent.”⁷ The Amended Complaint requested:

that, in accordance with the Act, 15 U.S.C. §§ 1825(b)(1), 1825(c), respondent

Docket No. 17-0198); Tammy Barclay, an individual (HPA Docket No. 17-0199); Ray Beech, an individual (HPA Docket No. 17-0200); Noel Botsch, an individual (HPA Docket No. 17-0201); Lynsey Denney, an individual (HPA Docket No. 17-0202); Mikki Eldridge, an individual (HPA Docket No. 17-0203); Formac Stables, Inc., a Tennessee corporation (HPA Docket No. 17-0204); William Ty Irby, an individual (HPA Docket No. 17-0206); James Dale McConnell, an individual (HPA Docket No. 17-0207); Joyce Meadows, an individual (HPA Docket No. 17-0208); Joyce H. Myers, an individual (HPA Docket No. 17-0209); Libby Stephens, an individual (HPA Docket No. 17-0210); and Taylor Walters, an individual (HPA Docket No. 17-0211). On June 13, 2017, then-Chief Administrative Law Judge Bobbie J. McCartney issued an order reassigning the dockets wherein timely answers were filed – including Mr. Green’s docket (HPA Docket No. 17-0205) – to me. The case caption was amended several times thereafter to reflect the entry of consent decisions in various dockets, which resolved the case as to those respondents. Following a May 13, 2019 telephone conference with counsel for the parties, I issued an order severing Mr. Green’s proceeding (HPA Docket No. 17-0205) from the remaining two respondents: Tammy Barclay (HPA Docket No. 17-0199) and Noel Botsch (HPA Docket No. 17-0201).

³ See Complaint at 16-18.

⁴ *Id.* at 19.

⁵ In his Answer, Respondent requested “[t]hat this proceeding be set for oral hearing in conformity with the provisions of the Rules of Practice applicable to the Horse Protection Act[.]” Answer at 3. The Judicial Officer has held, however, that a request for hearing set forth in an answer “is not the same as a motion for hearing, referred to in §§ 1.137 and 1.141(b)” of the Rules of Practice. *Meacham*, 47 Agric. Dec. 1708, 1709 (U.S.D.A. 1988) (Ruling on Certified Question).

⁶ See 7 C.F.R. § 1.137 (“Any time prior to the filing of a motion for hearing, the complaint . . . may be amended.”); *Meacham*, 47 Agric. Dec. at 1709. As Complainant correctly notes, “[n]o motion for hearing has been filed in this case.” Amended Complaint at 1.

⁷ Amended Complaint at 1.

Jeffrey L. Green (1) be assessed a civil penalties [sic] of not more than \$2,2000 for each violation, and (2) be disqualified 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, directly or indirectly through any agent, employee, or other device, for a period of not less than one year for each violation.

Amended Complaint at 3-4. Furthermore, the Amended Complaint specified: “Failure to file a timely answer shall constitute the admission of all the material allegations of this amended complaint.”⁸

Respondent was duly served with a copy of the Amended Complaint and did not file an answer within the twenty-day period prescribed by section 1.136 of the Rules of Practice (7 C.F.R. § 1.136).⁹

On August 28, 2019, Complainant filed a Proposed Decision and Order by Reason of Default (“Proposed Decision”) and Motion for Adoption the Proposed Decision (“Motion for

⁸ *Id.* at 9.

⁹ The Hearing Clerk’s records reflect that the Amended Complaint was sent to Respondent’s counsel via email on August 2, 2019. *See Arbuckle Adventures, LLC*, 76 Agric. Dec. 38, 43 (U.S.D.A. 2017) (holding that an amended complaint is not one of the documents required by the Rules of Practice to be served via certified mail). Respondent had twenty days from the date of service to file a response. 7 C.F.R. § 1.136(a). Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. § 1.147(h). In this case, Respondent’s answer was due on or before August 22, 2019. Respondent has not filed an answer to the Amended Complaint.

Default”).¹⁰ Respondent has filed no objections thereto.¹¹

Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Amended Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Amended Complaint, unless the parties have agreed to a consent decision.¹² Other than a consent decision, the Rules of Practice do not provide for exceptions to the regulatory consequences of an untimely filed answer where, as in the present case, no meritorious objections have been filed.¹³

As Respondent failed to answer the Amended Complaint,¹⁴ and upon Complainant’s

¹⁰ Complainant requests “that, in accordance with the Act, 15 U.S.C. §§ 1825(b)(1), 1825(c), respondent Jeffrey L. Green (1) be assessed [] civil penalties of not more than \$2,200 for each violation, and (2) be disqualified 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, directly or indirectly through any agent, employee, or other device, for a period of not less than one year for each violation.”). Proposed Decision at 3-4.

¹¹ United States Postal Service records reflect that the Proposed Decision and Motion for Default were sent to Respondent’s counsel via certified mail and delivered on September 3, 2019. Respondent had twenty days from the date of service to file objections thereto. 7 C.F.R. § 1.139. Weekends and federal holidays shall not be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. § 1.147(h). In this case, Respondent’s objections were due by September 23, 2019. Respondent has not filed any objections.

¹² 7 C.F.R. § 1.136(c).

¹³ 7 C.F.R. § 1.139; *see supra* note 11.

¹⁴ That the instant Motion for Default is based on Respondent’s failure to answer the Amended Complaint – rather than the original Complaint, which Respondent timely answered – is of no consequence. The operative pleading in this case is the Amended Complaint. *See Walker*, 65 Agric. Dec. 932, 966 (U.S.D.A. 2006) (“Thus, the record clearly establishes that the operative pleading in this proceeding is the Amended Complaint, not the Complaint, and Respondent’s response to the Complaint does not operate as a response to the Amended Complaint.”); *Foley*, 59 Agric. Dec. 581, 599 (U.S.D.A. 2000) (“Respondents’ failure to file a timely answer is deemed, for the purposes of this proceeding, an admission of the allegations in the Amended Complaint and constitutes a waiver of hearing (7 C.F.R. 1.136(c), .139, .141(a)). Therefore, there are no issues of fact on which a meaningful hearing could be held in this proceeding.”).

motion for the issuance of a decision without hearing by reason of default, this Decision and Order is issued without further procedure or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139). The material facts alleged in the Amended Complaint are all admitted by Respondent's failure to file a timely answer, and those material facts are adopted and set forth herein as Findings of Fact and Conclusions of Law.

Findings of Fact

1. Respondent Jeffrey L. Green is an individual residing in (b) (6) and at all times material herein he was a "person" and an "exhibitor," as those terms are defined in the Regulations (9 C.F.R. §§ 11.1 *et seq.*).
2. The nature, circumstances, and extended of the prohibited conduct are that Respondent Jeffrey L. Green: (a) entered twenty-one horses in horse shows while those horses were "sore"; (b) entered one horse in a horse show while the horse was bearing a prohibited substance; (c) refused to provide APHIS personnel with required information concerning eleven horses; and (d) refused to permit APHIS to conduct an inspection of a horse.
3. APHIS has previously issued numerous letters of warning to Respondent Jeffrey L. Green, including with respect to horses that are the subject of the violations alleged herein.¹⁵

¹⁵ On April 24, 2013, APHIS issued an Official Warning (TN 130314) to Respondent Jeffrey L. Green with respect to the entry of a horse (Lady Vol) in a horse show on August 28, 2012, which horse APHIS found was bearing prohibited substances (o-aminoazotoluene and 1,4-bis[(methylethyDamino]-9,10-anthracenedione). On October 18, 2013, APHIS issued an Official Warning (TN 130254) to Respondent Jeffrey L. Green with respect to the entry of a horse (Lady Got a Gun) in a horse show on May 18, 2012, which horse APHIS found was bearing prohibited substances (including 1,4-bis[(methylethyDamino]-9,10-anthracenedione, isopropyl myristate, benzocaine and methyl salicylate). On October 18, 2013, APHIS issued an Official Warning (TN 130255) to Respondent Jeffrey L. Green with respect to the entry of a horse (Hi-Yo Silver) in a horse show on May 18, 2012, which horse APHIS found was bearing prohibited substances (including benzocaine and methyl salicylate). On September 4, 2014, APHIS issued an Official Warning (TN 140105) to Respondent Jeffrey L. Green with respect to the showing of a horse (Very Rare) in a horse show on June 2 to 7, 2014, which horse APHIS found was sore. On

4. The gravity of the prohibited conduct is great. Congress enacted the HPA to end the practice of making gaited horses, including Tennessee Walking Horses, “sore” for the purpose of altering their natural gait and gaining an unfair competitive advantage during performances at horse shows.

When the front limbs of a horse have been deliberately made “sore,” usually by using chains or chemicals, “the intense pain which the animal suffered when placing his forefeet on the ground would cause him to lift them up quickly and thrust them forward, reproducing exactly [the distinctive high-stepping gait of a champion Walker].” H.R. REP. NO. 91-1597, 91ST CONG., 2d Sess. 2 (1970), *reprinted in* 1970 U.S.C.C.A.N. 4870, 4871. Congress’ reasons for prohibiting this practice were two-fold. First, it inflicted unnecessary pain on the animals; and second, those who made their animal “sore” gained an unfair competitive advantage over those who relied on skill and patience. In 1976, Congress significantly strengthened the Act by amending it to make clear that intent to make a horse “sore” is not a necessary element of a violation.

October 2, 2014, APHIS issued an Official Warning (TN 130291) to Respondent Jeffrey L. Green with respect to the entry of a horse (Parole at Sundown) in a horse show on November 17, 2012, which horse APHIS found was sore. On March 12, 2015, APHIS issued an Official Warning (TN 150017) to Respondent Jeffrey L. Green with respect to the entry of a horse (Label’s Lucky Charm) in a horse show on August 21, 2014, which horse APHIS found was sore. On May 28, 2015, APHIS issued an Official Warning (TN 150048) to Respondent Jeffrey L. Green with respect to the entry of a horse (All Time Favorite Dude) in a horse show on July 4, 2014, which horse APHIS found was bearing a prohibited substance. On April 26, 2016, APHIS issued an Official Warning (TN 160012) to Respondent Jeffrey L. Green with respect to the entry of a horse (Speak of the Master) in a horse show on November 6, 2014, which horse APHIS found was sore and bearing a prohibited substance. On April 26, 2016, APHIS issued an Official Warning (TN 160056) to Respondent Jeffrey L. Green with respect to the entry of a horse (Uptight Jose) in a horse show on May 2, 2015, which horse APHIS found was sore. On May 17, 2016, APHIS issued an Official Warning (TN 160191) to Respondent Jeffrey L. Green with respect to the entry of a horse (Master’s Showgirl) in a horse show on September 3, 2015, which horse APHIS found was sore. On May 19, 2016, APHIS issued an Official Warning (TN 160161) to Respondent Jeffrey L. Green with respect to the entry of a horse (Lined With Poison) in a horse show on August 28, 2015, which horse APHIS found was sore. On June 28, 2016, APHIS issued an Official Warning (TN 160137) to Respondent Jeffrey L. Green with respect to the entry of a horse (Jazz Cloey) in a horse show on August 28, 2015, which horse APHIS found was sore. On July 13, 2016, APHIS issued an Official Warning (TN 160120) to Respondent Jeffrey L. Green with respect to the entry of a horse (A Master Sky High) in a horse show on August 30, 2015, which horse APHIS found was sore. On August 18, 2016, APHIS issued an Official Warning (TN 160170) to Respondent Jeffrey L. Green with respect to the entry of a horse (Magic’s Pure Ritz) in a horse show on August 29, 2015, which horse APHIS found was sore.

Elliott v. U.S. Dep't of Agric., 990 F.2d 140, 144-45 (4th Cir. 1993) (citation omitted), *cert. denied*, 510 U.S. 867 (1993) (citing *Thornton v. U.S. Dep't of Agric.*, 715 F.2d 1508, 1511 (11th Cir. 1983)).

5. Respondent Jeffrey L. Green is culpable for the violations herein. Exhibitors of horses are absolute guarantors that those horses will not be sore within the meaning of the HPA when they are entered.¹⁶
6. On or about August 27, 2014, Respondent Jeffrey L. Green entered a horse (Strokin' Ritz), while the horse was sore, for showing in class 131B in a horse show in Shelbyville, Tennessee.
7. On or about November 14, 2015, Respondent Jeffrey L. Green entered a horse (Our Commander in Chief), while the horse was sore, for showing in class 22 in a horse show in Shelbyville, Tennessee.
8. On or about March 18, 2016, Respondent Jeffrey L. Green entered a horse (Waitin' On Parole), while the horse was sore, for showing in class 22 in a horse show in Shelbyville, Tennessee.
9. On or about March 18, 2016, Respondent Jeffrey L. Green entered a horse (Waitin' On Parole), for showing in class 22 in a horse show in Shelbyville, Tennessee, while the horse was bearing a prohibited substance.

¹⁶*Edwards*, 55 Agric. Dec. 892, 979 (U.S.D.A. 1996); *see also Carl Edwards & Sons Stables*, 56 Agric. Dec. 529, 589-90 (U.S.D.A. 1997), *aff'd per curiam*, 138 F.3d 958 (11th Cir. 1998); *Stamper*, 42 Agric. Dec. 20, 28 (U.S.D.A. 1983), *aff'd*, 722 F.2d 1483 (9th Cir. 1985); *Thornton*, 41 Agric. Dec. 870, 888 (U.S.D.A. 1982), *aff'd*, 715 F.2d 1508 (11th Cir. 1983).

10. On or about March 18, 2016, Respondent Jeffrey L. Green entered a horse (Jose's Ritzzy Hawk), while the horse was sore, for showing in class 31 in a horse show in Shelbyville, Tennessee.
11. On or about March 18, 2016, Respondent Jeffrey L. Green entered a horse (Pearl Gun), while the horse was sore, for showing in class 32 in a horse show in Shelbyville, Tennessee.
12. On March 18, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (pearl Gun), as required by regulation (9 C.F.R. § 11.2(e)).
13. On or about March 19, 2016, Respondent Jeffrey L. Green entered a horse (Black Hawk's Boogie Man), while the horse was sore, for showing in class 57 in a horse show in Shelbyville, Tennessee.
14. On or about March 31, 2016, Respondent Jeffrey L. Green entered a horse (Jose's Ritzzy Hawk), while the horse was sore, for showing in class 6 in a horse s how in Jackson, Mississippi.
15. On or about April 2, 2016, Respondent Jeffrey L. Green entered a horse (Brother Sovereign), while the horse was sore, for showing in class 51 in a horse show in Jackson, Mississippi.
16. On April 2, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Brother Sovereign), as required by regulation (9 C.F.R. § 11.2(e)).
17. On or about April 2, 2016, Respondent Jeffrey L. Green entered a horse (Maggie's Pure Ritz), while the horse was sore, for showing in class 70 in a horse show in Jackson, Mississippi.
18. On April 2, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Magic's Pure Ritz), as required by regulation (9 C.F.R. § 11.2(e)).

19. On or about April 30, 2016, Respondent Jeffrey L. Green entered a horse (Addicted to Gin), while the horse was sore, for showing in class 6 in a horse show in Shelbyville, Tennessee.
20. On April 30, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Addicted to Gin), as required by regulation (9 C.F.R. § 11.2(e)).
21. On or about April 30, 2016, Respondent Jeffrey L. Green entered a horse (Lady Vol), while the horse was sore, for showing in class 9 in a horse show in Shelbyville, Tennessee.
22. On April 30, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Lady Vol), as required by regulation (9 C.F.R. § 11.2(e)).
23. On or about April 30, 2016, Respondent Jeffrey L. Green entered a horse (Jazz 'N' Ebony), while the horse was sore, for showing in class 9 in a horse show in Shelbyville, Tennessee.
24. On April 30, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Jazz 'N' Ebony), as required by regulation (9 C.F.R. § 11.2(e)).
25. On or about May 21, 2016, Respondent Jeffrey L. Green entered a horse (Royal Title), while the horse was sore, for showing in class 18 in a horse show in Petersburg, Tennessee.
26. On May 21, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Royal Title), as required by regulation (9 C.F.R. § 11.2(e)).
27. On or about July 15, 2016, Respondent Jeffrey L. Green entered a horse (Mo's Calamity Jane), while the horse was sore, for showing in class 25 in a horse show in Petersburg, Tennessee.
28. On or about July 22, 2016, Respondent Jeffrey L. Green entered a horse (Mayday Jazz), while the horse was sore, for showing in class 11 in a horse show in Lewisburg, Tennessee.
29. On or about July 23, 2016, Respondent Jeffrey L. Green entered a horse (Mayday Jazz), while the horse was sore, for showing in class 4 in a horse show in Pulaski, Tennessee.

30. On July 23, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Mayday Jazz), as required by regulation (9 C.F.R. § 11.2(e)).
31. On or about August 6, 2016, Respondent Jeffrey L. Green entered a horse (Waitin' On Parole), while the horse was sore, for showing in class 19 in a horse show in Wartrace, Tennessee.
32. On or about August 25, 2016, Respondent Jeffrey L. Green entered a horse (I'm Tampa Bay), while the horse was sore, for showing in class 25 in a horse show in Shelbyville, Tennessee.
33. On August 25, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (I'm Tampa Bay), as required by regulation (9 C.F.R. § 11.2(e)).
34. On or about August 26, 2016, Respondent Jeffrey L. Green entered a horse (Addicted to Gin), while the horse was sore, for showing in class 51A in a horse show in Shelbyville, Tennessee.
35. On August 26, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Addicted to Gin), as required by regulation (9 C.F.R. § 11.2(e)).
36. On August 26, 2016, Respondent Jeffrey L. Green failed to provide information related to a horse (Black Hawk's Boogie Man), as required by regulation (9 C.F.R. § 11.2(e)).
37. On or about August 27, 2016, Respondent Jeffrey L. Green entered a horse (Chris Crossed), while the horse was sore, for showing in class 73 in a horse show in Shelbyville, Tennessee.
38. On August 27, 2016, Respondent Jeffrey L. Green failed or refused to permit inspection of a horse (Chris Crossed) and refused to provide information related to that horse (Chris Crossed), as required by regulation (9 C.F.R. § 11.2(e)).

39. On or about September 3, 2016, Respondent Jeffrey L. Green entered a horse (Our Commander in Chief), while the horse was sore, for showing in class 187 in a horse show in Shelbyville, Tennessee.

Conclusions

1. The Secretary of Agriculture has jurisdiction in this matter.
2. On or about August 27, 2014, Respondent Jeffrey L. Green entered a horse (Strokin' Ritz), while the horse was sore, for showing in class 131B in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
3. On or about November 14, 2015, Respondent Jeffrey L. Green entered a horse (Our Commander in Chief), while the horse was sore, for showing in class 22 in a horse show in Shelbyville Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
4. On or about March 18, 2016, Respondent Jeffrey L. Green entered a horse (Waitin' On Parole), while the horse was sore, for showing in class 22 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
5. On or about March 18, 2016, Respondent Jeffrey L. Green entered a horse (Waitin' On Parole), for showing in class 22 in a horse show in Shelbyville, Tennessee, while the horse was bearing a prohibited substance, in violation of the Act (15 U.S.C. § 1824(7)).
6. On or about March 18, 2016, Respondent Jeffrey L. Green entered a horse (Jose's Ritzzy Hawk), while the horse was sore, for showing in class 31 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
7. On or about March 18, 2016, Respondent Jeffrey L. Green entered a horse (Pearl Gun), while the horse was sore, for showing in class 32 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).

8. On March 18, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Pearl Gun), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
9. On or about March 19, 2016, Respondent Jeffrey L. Green entered a horse (Black Hawk's Boogie Man), while the horse was sore, for showing in class 57 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
10. On or about March 31, 2016, Respondent Jeffrey L. Green entered a horse (Jose's Ritzzy Hawk), while the horse was sore, for showing in class 6 in a horse show in Jackson, Mississippi, in violation of the Act (15 U.S.C. § 1824(2)(B)).
11. On or about April 2, 2016, Respondent Jeffrey L. Green entered a horse (Brother Sovereign), while the horse was sore, for showing in class 51 in a horse show in Jackson, Mississippi, in violation of the Act (15 U.S.C. § 1824(2)(B)).
12. On April 2, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Brother Sovereign), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
13. On or about April 2, 2016, Respondent Jeffrey L. Green entered a horse (Magic's Pure Ritz), while the horse was sore, for showing in class 70 in a horse show in Jackson, Mississippi, in violation of the Act (15 U.S.C. § 1824(2)(B)).
14. On April 2, 2016, Respondent Jeffrey L. Green failed to provide information related to a horse (Magic's Pure Ritz), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(2)(B)).

15. On or about April 30, 2016, Respondent Jeffrey L. Green entered a horse (Addicted to Gin), while the horse was sore, for showing in class 6 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
16. On April 30, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Addicted to Gin), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
17. On or about April 30, 2016, Respondent Jeffrey L. Green entered a horse (Lady Vol), while the horse was sore, for showing in class 9 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
18. On April 30, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Lady Vol), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
19. On or about April 30, 2016, Respondent Jeffrey L. Green entered a horse (Jazz 'N' Ebony), while the horse was sore, for showing in class 9 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
20. On April 30, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Jazz 'N' Ebony), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
21. On or about May 21, 2016, Respondent Jeffrey L. Green entered a horse (Royal Title), while the horse was sore, for showing in class 18 in a horse show in Petersburg, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).

22. On May 21, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Royal Title), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
23. On or about July 15, 2016, Respondent Jeffrey L. Green entered a horse (Mo's Calamity Jane), while the horse was sore, for showing in class 25 in a horse show in Petersburg, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
24. On or about July 22, 2016, Respondent Jeffrey L. Green entered a horse (Mayday Jazz), while the horse was sore, for showing in class 11 in a horse show in Lewisburg, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
25. On or about July 23, 2016, Respondent Jeffrey L. Green entered a horse (Mayday Jazz), while the horse was sore, for showing in class 4 in a horse show in Pulaski, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
26. On July 23, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Mayday Jazz), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
27. On or about August 6, 2016, Respondent Jeffrey L. Green entered a horse (Waitin' On Parole), while the horse was sore, for showing in class 19 in a horse show in Wartrace, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
28. On or about August 25, 2016, Respondent Jeffrey L. Green entered a horse (I'm Tampa Bay), while the horse was sore, for showing in class 25 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).

29. On August 25, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (I'm Tampa Bay), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
30. On or about August 26, 2016, Respondent Jeffrey L. Green entered a horse (Addicted to Gin), while the horse was sore, for showing in class 51A in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
31. On August 26, 2016, Respondent Jeffrey L. Green refused to provide information related to a horse (Addicted to Gin), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
32. On August 26, 2016, Respondent Jeffrey L. Green failed to provide information related to a horse (Black Hawk's Boogie Man), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
33. On or about August 27, 2016, Respondent Jeffrey L. Green entered a horse (Chris Crossed), while the horse was sore, for showing in class 73 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).
34. On August 27, 2016, Respondent Jeffrey L. Green failed or refused to permit inspection of a horse (Chris Crossed), in violation of the Act (15 U.S.C. § 1824(9)), and refused to provide information related to that horse (Chris Crossed), as required by regulation (9 C.F.R. § 11.2(e)), in violation of the Act (15 U.S.C. § 1824(9)).
35. On or about September 3, 2016, Respondent Jeffrey L. Green entered a horse (Our Commander in Chief), while the horse was sore, for showing in class 187 in a horse show in Shelbyville, Tennessee, in violation of the Act (15 U.S.C. § 1824(2)(B)).

ORDER

1. Complainant's Motion for Decision Without Hearing by Reason of Default is GRANTED.
2. Respondent Jeffrey L. Green is disqualified for a period of thirty-four years from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, or from judging, managing, or otherwise participating in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agency, employee, or other device. "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.
3. Respondent Jeffrey L. Green is assessed a civil penalty of \$74,800, to be paid by check made payable to USDA, APHIS, indicating that payment is in reference to HPA Docket No. 17-0205, and sent to:

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

The provisions of this Order shall become effective on the first day after this Decision becomes final. This Decision shall be final without further proceedings thirty-five (35) days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service, as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties, with courtesy copies provided via email where available.

Done at Washington, D.C.,
this 17th day of October 2019



Channing D. Strother
Chief Administrative Law Judge

Hearing Clerk's Office
United States Department of Agriculture
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Washington, DC 20250-9203
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