UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Fount Darnell,	)	Docket No. 12-0199
and Jack G. Heffington,	)	
	)	
Respondents	)	

Consent Decision and Order as to
Fount Darnell

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by a 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 Fount Darnell, 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

A. Respondent Fount Darnell, is an individual whose mailing address is 4775 Midland Road, Christiana, Tennessee 37037.

B. At all times material hereto, respondent Fount Darnell was the trainer of the horse known as "My Liberty Belle" which was entered as Entry No. 493, Class No. 31, on November 13, 2009, at the 2009 Delta Fall Classic at Tunica, Mississippi.

Conclusions

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

Order

Respondent Fount Darnell, is disqualified for an uninterrupted period of one year beginning March 20, 2011, 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. For the purposes of this Order, "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 any horse show, horse exhibition, or horse sale or auction, personally giving instructions to exhibitors, and being present in the warm-up or inspection areas, or in any area where spectators are not allowed. Jurisdiction is retained for the limited purpose of enforcement of this paragraph.

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.

[redacted]

Fount Darnell
Respondent

[redacted]

Robert A. Ertman
Attorney for Complainant

Done at Washington, D.C.
this _____ day of _____

_____
Administrative Law Judge