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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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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.,)	CONSENT DECISION AND ORDER
a Florida corporation)	AS TO BURL J. DALE, CHARLES
)	DALE, BARBARA DALE AND
Respondents.)	SPRING DALE FARMS, INC.

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).

Respondents admit the jurisdictional allegations in the second amended complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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 Burl J. Dale is an individual whose mailing address is 8412 Stagecoach Lane, Boca Raton, Florida 33496. At all times mentioned herein, said respondent was the owner of the horse known as "JFK's Jubilation Sun," and was the director of respondent

Spring Dale Farms, Inc., and directed, managed and controlled its business activities.

2. Respondent Charles (Chip) Dale is an individual whose mailing address is 7870 Margate Boulevard, Margate, Florida 33063. At all times mentioned herein, said respondent was the registered owner of the horse known as "JFK's Jubilation Sun."

3. Respondent Barbara Dale is an individual whose mailing address is 8412 Stagecoach Lane, Boca Raton, Florida 33496. At all times mentioned herein, said respondent was the director of respondent Spring Dale Farms, Inc., and directed, managed and controlled its business activities.

4. Respondent Spring Dale Farms, Inc., is a Florida corporation whose mailing address is 7870 Margate Boulevard, Margate, Florida 33063, and whose agent for service of process is Richard J. Dungey, 1100 S. Federal Highway, Stuart, Florida 74994. At all times mentioned, herein said respondent was the registered owner of the horse known as "JFK's Jubilation Sun."

5. On May 25, 2001, respondents Burl J. Dale, Charles (Chip) Dale, and Barbara Dale, Spring Dale Farms, Inc., 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

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

ORDER

1. Respondents Burl J. Dale, Charles Dale, Barbara Dale and Spring Dale Farms,

Inc., are each disqualified for a period of seven months, from January 10, 2006 through August 10, 2006, 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.

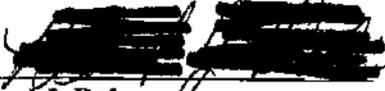
2. Respondents Burl J. Dale, Charles Dale, and Spring Dale Farms, Inc., are each assessed a civil penalty of \$1,500. The civil penalties shall be paid by certified check(s) or money order(s) made payable to the Treasurer of the United States and sent to:

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 penalties shall be sent to, and received by, Bernadette R. Juarez on or before January 10, 2006. Respondents shall state on the certified check(s) or money order(s) that the payment is in reference to HPA Docket No. 03-0003.

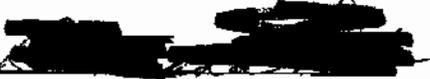
This order shall have the same effect as if entered after a full hearing and shall be effective as of January 10, 2006.

Copies of this decision shall be served upon the parties.


Burl J. Dale
Respondent

 
Charles Dale
Respondent

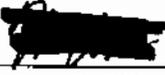
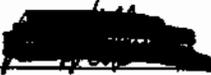
SPRING DALE FARMS, INC.


Barbara Dale
Respondent

By 
its  *Spring Dale Farms Inc*


Bernadette R. Juarez
Attorney for Complainant

Done at Washington, D.C.
this 11th day of January, 2006

 
Marc R. Hillson
Chief Administrative Law Judge