

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) HPA Docket No. 01-0023  
)  
Mike Turner and Susie Harmon, )  
)  
Respondents ) **Order Lifting Stay Order**

On October 26, 2005, I issued a Decision and Order: (1) concluding Mike Turner and Susie Harmon [hereinafter Respondents] violated the Horse Protection Act of 1970, as amended (15 U.S.C. §§ 1821-1831); (2) assessing each Respondent a \$2,200 civil penalty; and (3) disqualifying each Respondent for 1 year from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or device, and from managing, judging, or otherwise participating in any horse show, horse exhibition, horse sale, or horse auction.<sup>1</sup>

On November 30, 2005, Respondents filed a Motion for Stay of Judgment stating Respondents had filed a timely petition for review of *In re Mike Turner*, 64 Agric. Dec. 1456 (2005), with the United States Court of Appeals for the Sixth Circuit and requesting a stay of the Order in *In re Mike Turner*, 64 Agric. Dec. 1456 (2005), pending the

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<sup>1</sup>*In re Mike Turner*, 64 Agric. Dec. 1456 (2005).

outcome of proceedings for judicial review. On December 2, 2005, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter Complainant], filed a response to Respondents' November 30, 2005, motion stating Complainant does not oppose Respondents' motion for stay. On December 8, 2005, I granted Respondents' motion for stay.<sup>2</sup>

The United States Court of Appeals for the Sixth Circuit denied Respondents' petition for review,<sup>3</sup> and on April 6, 2007, Complainant filed a "Motion To Lift Stay." Respondents agree with Complainant's Motion To Lift Stay and request that the disqualification as to Respondent Mike Turner begin April 20, 2007, and the disqualification as to Respondent Susie Harmon begin April 13, 2007.<sup>4</sup> On April 13, 2007, the Hearing Clerk transmitted the record of the proceeding to the Judicial Officer for a ruling on Complainant's Motion To Lift Stay.

Based upon agreement of the parties, Complainant's Motion To Lift Stay is granted; the Stay Order is lifted; and the Order in *In re Mike Turner*, 64 Agric. Dec. 1456 (2005), is effective, as follows:

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<sup>2</sup>*In re Mike Turner* (Stay Order), 64 Agric. Dec. 1714 (2005).

<sup>3</sup>*Turner v. U.S. Dep't of Agric.*, No. 05-4487 (6th Cir. Feb. 15, 2007).

<sup>4</sup>Response to Motion To Lift Stay.

**ORDER**

1. Respondent Mike Turner is assessed a \$2,200 civil penalty. The civil penalty shall be paid by certified check or money order made payable to the “Treasurer of the United States” and sent to:

Robert A. Ertman  
United States Department of Agriculture  
Office of the General Counsel  
Marketing Division  
1400 Independence Avenue, SW  
Room 2343-South Building, Stop 1417  
Washington, DC 20250-1417

Respondent Mike Turner’s payment of the civil penalty shall be forwarded to, and received by, Mr. Ertman within 60 days after service of this Order on Respondent Mike Turner. Respondent Mike Turner shall indicate on the certified check or money order that payment is in reference to HPA Docket No. 01-0023.

2. Respondent Mike Turner is disqualified for a period of 1 year from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or device, and from managing, judging, or otherwise participating in any horse show, horse exhibition, horse sale, or horse auction. “Participating” means engaging in any activity beyond that of a spectator, and includes, without limitation: (a) transporting or arranging for the transportation of horses to or from any horse show, horse exhibition, horse sale, or horse auction; (b) personally giving instructions to exhibitors; (c) being present in the warm-up areas, inspection areas, or other areas where spectators are not

allowed at any horse show, horse exhibition, horse sale, or horse auction; and

(d) financing the participation of others in any horse show, horse exhibition, horse sale, or horse auction.

The disqualification of Respondent Mike Turner shall become effective on April 20, 2007.

3. Respondent Susie Harmon is assessed a \$2,200 civil penalty. The civil penalty shall be paid by certified check or money order made payable to the “Treasurer of the United States” and sent to:

Robert A. Ertman  
United States Department of Agriculture  
Office of the General Counsel  
Marketing Division  
1400 Independence Avenue, SW  
Room 2343-South Building, Stop 1417  
Washington, DC 20250-1417

Respondent Susie Harmon’s payment of the civil penalty shall be forwarded to, and received by, Mr. Ertman within 60 days after service of this Order on Respondent Susie Harmon. Respondent Susie Harmon shall indicate on the certified check or money order that payment is in reference to HPA Docket No. 01-0023.

4. Respondent Susie Harmon is disqualified for a period of 1 year from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or device, and from managing, judging, or otherwise participating in any horse show, horse exhibition, horse sale, or horse auction. “Participating” means engaging in

any activity beyond that of a spectator, and includes, without limitation: (a) transporting or arranging for the transportation of horses to or from any horse show, horse exhibition, horse sale, or horse auction; (b) personally giving instructions to exhibitors; (c) being present in the warm-up areas, inspection areas, or other areas where spectators are not allowed at any horse show, horse exhibition, horse sale, or horse auction; and (d) financing the participation of others in any horse show, horse exhibition, horse sale, or horse auction.

The disqualification of Respondent Susie Harmon became effective on April 13, 2007.

Done at Washington, DC

April 16, 2007

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William G. Jenson  
Judicial Officer