

**COPY FOR YOUR
INFORMATION**

Lisa A. Beninati and
Paul "Whitey" E. Whitehead,
Respondents.

HPA Docket No.
Consent Decision
and Order

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. §§ 1821-1831), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent 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 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

1. Respondent Lisa A. Beninati is an individual whose mailing address is 51 Sumac Trail, Elkland, Missouri 65644. At all times mentioned herein said respondent was the owner of the horse known as "Public Enemy Number One."
2. On August 27, 2009, respondent entered for the purpose of showing or exhibiting the horse known as "Public Enemy Number One" as entry number 1681 in class numbers 33 and

51, at the 71st Annual Tennessee Walking Horse National Celebration.

3. On August 27, 2009, respondent allowed the entry for the purpose of showing or exhibiting the horse known as "Public Enemy Number One" as entry number 1681 in class numbers 33 and 51, at the 71st Annual Tennessee Walking Horse National Celebration.

Conclusions

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

Order

Respondent is disqualified for one year 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.

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.



Lisa A. Beninati
Respondent



Buren W. Kidd
Attorney for Complainant

Done at Washington, D.C.
this 23rd day of December 2011



Administrative Law Judge