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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
Gene Witt,) HPA Docket No. 11-0233
Respondent)

Consent Decision and Order

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 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

- A. Respondent Gene Witt is an individual whose mailing address is 961 Little Chuckey Road, Midway, Tennessee 37809.
- B. At all times material hereto, respondent Gene Witt was the owner of the horse known as "Major League Sugar Babe" and entered this horse as Entry No. 316, Class No. 23, on July 10, 2009, at the Land O'Sky Summer Festival Horse Show at Fletcher, North Carolina.

Conclusions

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

Order

Respondent Gene Witt is disqualified for an uninterrupted period of one year beginning February 13, 2012, 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 signature]

2/13/2012

Gene Witt
Respondent

[Redacted signature]

Robert A. Ertman
Attorney for Complainant

Done at Washington, D.C.
this 15 day of February, 2012

[Redacted signature]

Administrative Law Judge

Jill S. Clifton