

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. 12-0291
)
Gerale Martin and)
Derrick Brown,)
)
Respondents)

Consent Decision and Order as to Gerale Martin

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 Gerale Martin 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 Gerale Martin is an individual whose mailing address is 4480 Austin Road, Nesbit, MS 38651.

B. At all times material herein, respondent Gerale Martin was the owner of the horse known as "All American Motown" which was entered as Entry No. 214, Class No. 3, on June 13, 2009, at the Guntown Lion's Club Walking Show in Guntown, Mississippi.

Conclusions

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

Order

Respondent Gerale Martin is disqualified for an uninterrupted period of 1 year beginning on August 17, 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. "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.


Gerald Martin
Respondent


Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.
this 17th day of October, 20


Administrative Law Judge