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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) HPA Docket 17-0170
)
 JOHN ALLEN CALLAWAY,)
 an individual,)
)
 Respondent.) CONSENT DECISION AND ORDER

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.)(HPA or Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on January 12, 2017, alleging that respondent John Allen Callaway, also known as John Allan Callaway III, violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to these proceedings (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in the complaint, 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 to the entry of this decision, for the purpose of settling this proceeding, all other issues between the parties, and any alleged violations of the Act up to and including March 15, 2017. The complainant agrees to the entry of this decision.

Findings of Fact

1. John Allen Callaway, also known as John Allan Callaway, III, is an individual whose business mailing address is [REDACTED]
2. At all times mentioned herein, Mr. Callaway was a "person" and an exhibitor," as those terms are defined in the regulations issued pursuant to the Act (9 C.F.R. § 11.1 et seq.).

Conclusions of Law

Respondent has admitted the facts set forth above and the parties have agreed to the entry of this decision. Therefore, such decision will be entered.

Order

1. Respondent is assessed a \$1,100 civil penalty, to be paid by April 30, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0170, and sent to:

USDA, APHIS, MISCELLANEOUS
P.O. Box 979043
St. Louis, Missouri 63197-9000

2. Respondent is disqualified for eight months, beginning September 4, 2017, and ending May 3, 2018, 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, directly or indirectly through any agent, employee, or other device.¹

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¹ "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.

The provisions of this order shall become effective March 15, 2017. Copies of this decision shall be served upon the parties.


Colleen A. Carroll
Attorney for Complainant


John Allen Callaway
a/k/a John Allan Callaway III
Respondent

Done at Washington, D.C.,
this 29 day of MAR 2017


Administrative Law Judge

Jill S. Clifton