

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
)
Patricia Kelly Sherman,) HPA Docket No. 13-0288
Larry D. George, and)
William O. Young,)
)
Respondents) Consent Decision and Order
as to only **William O. Young**

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 (“APHIS”), United States Department of Agriculture (“USDA”), 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), and pertains only to respondent William O. Young (“respondent Young”).

Respondent Young 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 Young is an individual whose mailing address is 38004 S. Boulder Ridge Drive, Tucson, Arizona 85739-1648.

(BY)

presented for inspection the

2. On November 12, 2011, respondent Young ~~entered the~~ horse known as “He’s A Jazz Thing” as entry number 816 in class number 54, in the 2011 Delta Fall Classic at Tunica,

Mississippi, for the purpose of showing or exhibiting the horse.

Conclusions

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

Order

1. Respondent Young is assessed a civil penalty of \$1,100, which shall be received by APHIS by April 30, 2014. The civil penalty shall be paid by certified check, payable to the "Treasurer of the United States". The certified check shall include the docket number of this proceeding, namely **HPA Docket No. 13-0288**. The certified check shall be mailed to: USDA / APHIS, P.O. Box 979043, St. Louis, MO 63197-9000.

2. Additionally, respondent Young is disqualified for a period of eight months 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.

3. By signing this consent decision, respondent Young certifies that, as of September 1, 2013, he has not shown, exhibited, or entered any horse, directly or indirectly through any agent, employee, or other device, nor has he judged, managed or otherwise participated in any horse show, horse exhibition, or horse sale or auction. Accordingly, respondent Young's

disqualification period began on September 1, 2013, and will terminate on May 1, 2014, provided that the United States has received from respondent Young the assessed \$1,100 civil penalty.

4. If respondent Young fails to pay the assessed civil penalty by April 30, 2014, his disqualification shall remain in effect until the first day after APHIS receives payment of the assessed civil penalty.

5. This order shall have the same effect as if entered after a full hearing. Copies of this decision shall be served upon the complainant and respondent Young. This order shall become effective on the first day after service of this decision on the respondent.


William O. Young
Respondent


Jack G. Heffington
Attorney for Respondent


Susan C. Golabek
Attorney for Complainant

Done at Washington, D.C.,
this 12 day of DEC, 2013


Administrative Law Judge

JILL S. CLIFTON