

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket Nos.	13-0231
)		13-0249
)		
)		
James Wayne Dean dba)		
Wayne Dean Stables)		
)		
and)		
)		
Kasey Kesselring)		
)		
Respondents)	Consent Decision	
)	and Order as to	
)	James Wayne Dean dba	
)	Wayne Dean Stables	



These proceedings were instituted under the Horse Protection Act, as amended (15 U.S.C. §1821 et seq.) (Act), by complaints filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents violated the Act. This decision as to James Wayne Dean dba Wayne Dean Stables is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent James Wayne Dean dba Wayne Dean Stables admits the jurisdictional allegations in paragraph I of the complaints and specifically admits that the Secretary has jurisdiction in these matters, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling these proceedings and for such purposes only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent James Wayne Dean dba Wayne Dean Stables is an individual whose mailing address is 3065 Old Columbia Road, Lewisburg, Tennessee 37091.

2. On or about August 29, 2009, James Wayne Dean dba Wayne Dean Stables entered for the purpose of showing or exhibiting the horse known as "He's Our Duramax", entry number 846 in class number 76, at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

3. On or about August 29, 2009, James Wayne Dean dba Wayne Dean Stables showed or exhibited the horse known as "He's Our Duramax", entry number 846 in class number 76, at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

4. On or about September 4, 2009, James Wayne Dean dba Wayne Dean Stables entered the horse known as "He's Our Duramax", as entry number 846 in class number 156 for the purpose of showing or exhibiting the horse at the 71st annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

5. On or about August 28, 2009, James Wayne Dean dba Wayne Dean Stables entered for the purpose of showing or exhibiting the horse known as "Dark's Best", entry number 856 in class number 52A, at the 71st Annual Tennessee Walking Horse National Celebration, Shelbyville, Tennessee.

6. On or about September 2, 2009, James Wayne Dean dba Wayne Dean Stables entered for the purpose of showing or exhibiting the horse known as "Available Stock, entry number 848 in class number 128, at the 71st Annual Tennessee Walking Horse National Celebration, Shelbyville, Tennessee.

7. On or about September 2, 2009, James Wayne Dean dba Wayne Dean Stables showed or exhibited the horse known as "Available Stock, entry number 848 in class number 128, at the 71st Annual Tennessee Walking Horse National Celebration, Shelbyville, Tennessee.

8. On or about July 21, 2012, James Wayne Dean dba Wayne Dean Stables entered for the purpose of showing or exhibiting the horse known as "Frankie Blue Eyes" as entry number 342 in class number 14, at the Parker's Crossroads Walking Horse Show in Parkers Crossroads, Tennessee.

Conclusions

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

Order


1. Respondent James Wayne Dean dba Wayne Dean Stables is disqualified for a period of two years from the effective date of this Order, 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.


2. Respondent James Wayne Dean dba Wayne Dean Stables is assessed a civil penalty of three thousand and five hundred dollars (\$3,500.00). All of the civil penalty except one thousand and one hundred dollars (\$1,100.00) shall be held in abeyance provided that Respondent James Wayne Dean dba Wayne Dean Stables shall not violate any provisions of this Order or any provisions of the Act for a period of three years from the date of service of this Order on respondent. If respondent fails to comply with any terms of this Consent Decision or engages in any future violations of the Act, the portion of the civil penalty held in abeyance shall be immediately due and payable from the date the respondent is provided notice of the failure to comply with the terms of the Consent Decision or the violation of the Act. If respondent fully complies with the terms of this Consent Decision and the provisions of the Act for a period of three years from the date of service of this Order on the respondent, at the end of the three year period the portion of the civil penalty held in abeyance will be dispensed with and will no longer be due and payable. The part of the civil penalty not held in abeyance shall be immediately due and payable. Jurisdiction is retained for the limited purpose of enforcement of this paragraph. This Consent Decision, however, will not limit the penalties for any future violations of the Act.

This order shall have the same effect as if entered after a full hearing and shall become effective upon issuance on the respondent.

Copies of this decision shall be served upon the parties.


JAMES WAYNE DEAN dba
WAYNE DEAN STABLES
Respondent


THOMAS B. KAKASSY
Attorney for Respondent


DARLENE M. BOLINGER
Attorney for Complainant

Done at Washington, D.C.
this 23 day of January, 2014


JILL S. CLIFTON
Administrative Law Judge