

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	HPA Docket 17-0196
	)	HPA Docket 17-0197
ALIAS FAMILY INVESTMENTS, LLC,	)	HPA Docket 17-0199
a Mississippi limited liability company;	)	HPA Docket 17-0201
MARGARET ANNE ALIAS, an individual;	)	HPA Docket 17-0202
TAMMY BARCLAY, an individual;	)	HPA Docket 17-0203
NOEL BOTSCH, an individual;	)	HPA Docket 17-0205
LYNSEY DENNEY, an individual;	)	HPA Docket 17-0206
MIKKI ELDRIDGE, an individual;	)	HPA Docket 17-0208
JEFFREY GREEN, an individual;	)	HPA Docket 17-0209
WILLIAM TY IRBY, an individual;	)	HPA Docket 17-0210
JOYCE MEADOWS, an individual;)	
JOYCE H. MYERS, an individual; and)	
LIBBY STEPHENS, an individual,)	
	)	CONSENT DECISION AND
Respondents.	)	ORDER AS TO RESPONDENT
	)	WILLIAM TY IRBY

This proceeding was instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*) (HPA or Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on February 3, 2017, alleging that the respondents violated the Act.

Respondent William Ty Irby admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, and waives oral hearing and further procedure. The parties consent and agree to the entry of this decision for the purpose of settling this proceeding as to respondent Irby, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including September 2, 2017. 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).

///

Findings of Fact

1. Respondent William Ty Irby is an individual residing in [REDACTED] and at all times mentioned herein was a "person" and an "exhibitor," as those terms are defined in the regulations promulgated under the Act (9 C.F.R. Parts 11 and 12).

2. On or about August 26, 2016, respondent Irby allowed the entry of a horse he owned (Addicted to Gin), for the purpose of showing the horse, in class 51A in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Irby having admitted the findings of fact set forth above, and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent William Ty Irby is disqualified for four months, either (initial one):

_____ beginning September 4, 2017, and ending January 3, 2018, or

~~_____~~ beginning January 1, 2018, and ending April 30, 2018,

from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating¹ in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent William Ty Irby is assessed a civil penalty of \$550, which shall be paid

¹"Participating" means engaging in any activity beyond that of a spectator in connection with a horse show, horse exhibition, or horse sale or auction, 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.

by October 1, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0206, and sent to:

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

The provisions of this order shall become final and effective as of September 4, 2017.

This order may be executed in counterparts. Copies of this decision shall be served upon the parties.


William Lyiby
Respondent


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 20th day of September 2017


Channing D. Stronier
Administrative Law Judge

CERTIFICATE OF SERVICE

<u>Respondents</u>	<u>Docket #s</u>
Alias Family Investments, LLC	17-0196
Margaret Anne Alias	17-0197
Tammy Barclay	17-0199
Noel Botsch	17-0201
Lynsey Denney	17-0202
Mikki Eldridge	17-0203
Jeffrey Green	17-0205
William Ty Irby	17-0206
Joyce Meadows	17-0208
Joyce H. Myers	17-0209
Libby Stephens	17-0210

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the CONSENT DECISION AND ORDER AS TO RESPONDENT WILLIAM TY IRBY has been furnished and was served upon the following parties on September 21, 2017 by the following:

USDA OGC - Electronic Mail

Colleen Carroll, OGC
Colleen.Carroll@ogc.usda.gov
Ada Quick, OGC
Ada.Quick@ogc.usda.gov

USDA (APHIS) - Electronic Mail

IESLegals@aphis.usda.gov
Ac.rss.mailbox@aphis.usda.gov

Respondents Counsel – Electronic Mail

Robin_Webb@Windstream.net
Tom@KaKassylaw.com
Amy@KaKassylaw.com (Adm. Asst.)

Respondents - Ordinary Mail/Electronic

Tammy Barclay (b) (6)	Noel Botsch
--------------------------	-------------

William Irby

(b) (6)

Respectfully Submitted,

[Redacted Signature]

Caroline Hill, Assistant Hearing Clerk
USDA/Office of Administrative Law Judges
Hearing Clerk's Office, Rm. 1031-S
1400 Independence Ave., SW
Washington, DC 20250-9203