

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/DALJ/OHC
2020 FEB 27 AM 11:33

In re:

Howard Hamilton and
Patrick W. Thomas,

Respondents.

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HPA Docket No. 13-0365
HPA Docket No. 13-0366

CONSENT DECISION AND ORDER AS TO PATRICK W. THOMAS

These proceedings were instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*)(HPA or Act), by a complaint filed on September 13, 2013 by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), alleging that the respondents violated the Act.

Respondent Patrick W. Thomas admits the jurisdictional allegations in the complaint as to him, specifically admits that the Secretary has jurisdiction in this matter, 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 these proceedings as to Patrick W. Thomas, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including February 20, 2020. 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 Patrick Thomas is an individual who, at all times relevant to the complaint, resided in [REDACTED].

2. On or about June 22, 2012, Patrick W. Thomas entered a horse (Don't Tread On Me) for showing in class 5 of a horse show in Guntown, Mississippi.

3. On or about July 21, 2012, Patrick W. Thomas entered a horse (A Magic Stroke) for showing in class 22 of a horse show in Crossroads, Tennessee.

4. On or about July 21, 2012, Patrick W. Thomas showed a horse (A Magic Stroke) in class 22 of a horse show in Crossroads, Tennessee.

Conclusion of Law

Respondent Patrick W. Thomas 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 Patrick W. Thomas is disqualified for eight months, beginning on September 7, 2020 and ending on May 6, 2021, 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. This disqualification will continue after May 6, 2021 pending payment of any unpaid civil penalty, per paragraph 2 of this Order.

2. Respondent Patrick W. Thomas is assessed a civil penalty of \$1,100, which shall be paid by May 6, 2021 by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 13-0366, and sent

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.

to:

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

The provisions of this order shall become final and effective on March 9, 2020. Copies of this decision shall be served upon the parties.



Patrick W. Thomas
Respondent



Thomas B. Kakassy
Attorney for Respondent



Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.,
this 27th day of February, 2020



Channing D. Strother
Chief Administrative Law Judge