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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	HPA Docket No. 17-0073
	)	
GWAIN WILSON, an individual,	)	
	)	CONSENT DECISION AND
Respondent	)	ORDER AS TO GWAIN WILSON

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 December 29, 2016, alleging that the respondents violated the Act.

Respondent Gwain Wilson 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 Gwain Wilson, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including September 2, 2018. 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 Gwain Wilson 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 Gwain Wilson entered a horse (Willie Be Strong) for showing in class 51A in a horse show in Shelbyville, Tennessee.

3. On or about August 27, 2016, respondent Gwain Wilson entered a horse (Tarheel's Irresistible) for showing in class 82 in a horse show in Shelbyville, Tennessee.

4. On or about August 30, 2016, respondent Gwain Wilson entered a horse (Zipline) for showing in class 131 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Gwain Wilson 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 Gwain Wilson is disqualified for eighteen months, beginning September 1, 2020, and ending February 28, 2022, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating[1] in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Gwain Wilson is assessed a civil penalty of $2,750, which shall be paid by September 1, 2019, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0073, and sent to:

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

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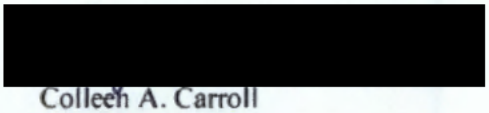
[1]"Participating" means engaging in any activity beyond that of a spectator in connection with a horse show, horse exhibition, or horse sale or auction, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions 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.

The provisions of this order shall become final and effective on August 15, 2019. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

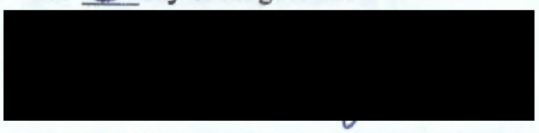


Colleen A. Carroll
Elizabeth Kruman
Attorneys for Complainant

Gwain Wilson
Respondent

Aug 5 2019

Done at Washington, D.C.,
this 6 day of August 2019



Jill S. Clifton
Administrative Law Judge