

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Jack S. Way;
Alex Way; and
Marvin North,

Respondents.

HPA DOCKET NO. 15-0073

CONSENT DECISION

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. §1821 *et seq.*) (the "Act"), by complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (the "APHIS"), alleging that the Respondents violated the Act. The APHIS and one of the Respondents, Alex Way, have agreed that this Consent Decision should be issued in accordance with the consent decision provisions of the applicable rules of practice (7 C.F.R. § 1.138).¹

Respondent Alex Way admits the jurisdictional allegations against him set forth in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter. Respondent Alex Way neither admits nor denies the remaining allegations against him set forth the complaint, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding as to him and for such purpose only, to the entry of this decision.

Findings of Fact

¹ This Consent Decision does not affect or in any way apply to either of the two remaining Respondents, Jack S. Way and Marvin North.

1. Respondent Alex Way is an individual who resides in Alabama.
2. At all times material herein the Respondent Alex Way was the exhibitor of the horse known as "Perfection of Jazz."
3. On April 27, 2013, Respondent Alex Way showed or exhibited the horse known as "Perfection of Jazz" as entry number 302 in class number 58, at the 2013 Gulf Coast Charity Trainers Show in Panama City, Florida.

Conclusions

Respondent Alex Way has admitted the jurisdictional allegations against him set forth in paragraph I of the complaint, and the APHIS and Respondent Alex Way have agreed to the provisions set forth in the following Order, this Consent Decision will be issued.

Order

1. Respondent Alex Way is disqualified for period of one (1) year from the effective date of this Consent Decision.
2. During the period of disqualification, Respondent Alex Way shall be disqualified 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. This order shall have the same effect as if entered after a full hearing and shall become final and effective upon issuance by the Administrative Law Judge.
4. Copies of this decision shall be served upon the parties.

[REDACTED]
ALEX WAY
Respondent

[REDACTED]
THOMAS R. DEBRAY, JR.
Attorney for Respondent

[REDACTED]
LAUREN BECKER
Attorney for Complainant

Done at Washington, D.C. this 10th day of
May, 2016.

[REDACTED]
JANICE K. BULLARD
Administrative Law Judge