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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Eddie Barclay,

Respondent

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HPA Docket No. 15-0039

Consent Decision
and Order

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent violated the Act and the regulations promulgated thereunder. The parties 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) and have agreed to the following:

1. For the purposes of this Consent Decision only, the Respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter and as delineated in paragraph I of the complaint, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below and waives:

(a) any further procedure;

(b) all rights to seek judicial review and otherwise challenge or contest the validity of this decision; and

(c) any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the Respondent or against any employee of the United States Department of Agriculture in connection with this proceeding.

Findings of Fact

1. Respondent Eddie Barclay is an individual whose mailing address is in Kentucky. At all times mentioned herein said Respondent was the owner of the horse known as “Gimme A Winky Ki Ya Yea.”

2. On or about August 23, 2012, Respondent Eddie Barclay allowed the entry and entered for the purpose of showing or exhibiting the horse known as “Gimme A Winky Ki Ya Yea” as entry number 253 in class number 25, at the 74th Annual Tennessee Walking Horse National Celebration, in Shelbyville, TN.

Conclusions

The Respondent having admitted the jurisdictional facts and the parties having agreed to the provisions set forth in the following order, this Consent Decision will be issued.

Order

1. The Respondent is disqualified for a period of eight (8) months beginning July 11, 2016 through March 11, 2017 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. This consent is intended to settle all outstanding claims against the Respondent, under the Act, up to and including July 1, 2016.

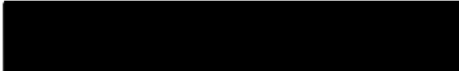
3. Respondent Eddie Barclay is assessed a civil penalty of \$1,100.00.


4. The Respondent shall sign this consent decision and order and send the signed original to U.S. Department of Agriculture, Office of the General Counsel, Attn: Rupa Chilukuri, Room 2343 South Building, Independence Avenue, S.W., Washington, D.C. 20250-1400.

Within ten (10) days from the effective date of this order, the Respondent shall also send a certified check or money order in the amount of eleven hundred dollars (\$1,100.00), payable to the Treasurer of the United States, to USDA APHIS General, P.O. Box 979043, St. Louis, Missouri, 63197-9000. The certified check or money order shall include the docket number of these proceedings, namely Docket No. 15-0039.


This order shall have the same effect as if entered after a full hearing and shall become effective upon issuance by the Administrative Law Judge.

Copies of this decision shall be served upon the parties.


EDDIE BARCLAY
Respondent


RUPA CHILUKURI
Attorney for Complainant

Done at Washington, D.C.
this 11 day of July, 2016



Administrative Law Judge

Jill S. Clifton