

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) HPA Docket No. 01-0030
)
) SAND CREEK FARM, INC., a Tennessee)
) corporation; BILLY A. GRAY, an individual;)
) WATERFALL FARMS, INC., a Georgia)
) corporation, also known as WATERFALL)
) FARMS; WILLIAM B. JOHNSON, an individual;)
) and SANDRA T. JOHNSON, an individual,)
) Respondents.) Consent Decision as to
) Respondents Sand Creek
) Farm, Inc., and Billy A Gray

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents violated the Act. 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).

Respondents Sand Creek Farm, Inc., and Billy A. Gray admit the jurisdictional allegations in the complaint, specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Sand Creek Farm, Inc., is a Tennessee corporation whose registered agent and President is Billy A. Gray, 3125 Highway 231 North, Shelbyville, Tennessee 37160, and is engaged in the business of breeding, boarding, training and showing Tennessee Walking Horses.

2. Respondent Billy A. Gray is an individual whose mailing address is 3125 Highway 231 North, Shelbyville, Tennessee 37160, is the registered agent and President of respondent Sand

Creek Farm, Inc., and is engaged in the business of breeding, boarding, training and showing Tennessee Walking Horses.

3. On or about March 24, 2001, respondents Sand Creek Farm, Inc., and Billy A. Gray showed "John F. K.'s Pusher" in the 33rd Annual National Walking Horse Trainers Show in Shelbyville, Tennessee, as entry number 491 in class number 76 ("Three-Year-Old Classic").

Conclusions

Respondent Sand Creek Farm, Inc., and Billy A. Gray, 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. The following order is authorized by the Act and warranted under the circumstances.

Order

1. Respondent Sand Creek Farm, Inc., is assessed a civil penalty of 2,200.
2. Respondent Billy A. Gray is assessed a civil penalty of \$2,200.
3. The civil penalties set forth in paragraphs 1 and 2 shall be paid by certified check or money order, made payable to the "Treasurer of the United States" and sent to:

Colleen A. Carroll
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW
Room 2343-South Building
Washington, DC 20250-1417

Respondent Sand Creek Farm, Inc.'s and Billy A. Gray's payments of their respective civil penalties shall be forwarded to, and received by, Ms. Carroll by May 1, 2006. Respondent Sand Creek Farm, Inc., and Billy A. Gray shall indicate on their respective certified checks or money orders that payment is in reference to HPA Docket No. 01-0030.

4. Respondent Sand Creek Farm, Inc., is disqualified for one year, beginning September 3, 2006, and ending September 2, 2007, inclusive, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, family member or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, family member or other device.¹ This disqualification shall continue until the civil penalty assessed in paragraph 1 of this Order and any costs associated with collecting the civil penalty are paid in full.

5. Respondent Billy A. Gray is disqualified for three years, beginning September 3, 2006, and ending September 2, 2009, inclusive, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, family member or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, family member or other device.² This disqualification shall continue until the civil penalty assessed in paragraph 2 of this Order and any costs associated with collecting the civil penalty are paid in full.

4. Respondents Sand Creek Farm, Inc., and Billy A. Gray, their agents and employees, successors and assigns, directly or indirectly or through any corporate or other device, shall cease and desist from violating the Act and the regulations issued thereunder.

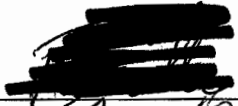

This order shall have the same effect as if entered after a full hearing and shall become

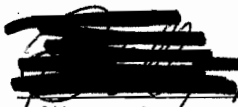
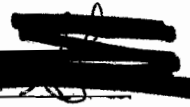
¹“Participating” means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

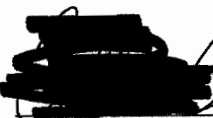

²See Note 1 above.

effective on the first day after service of this decision on the respondents. Copies of this decision shall be served upon the parties.

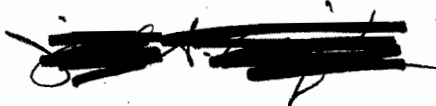
SAND CREEK FARM, INC.,
a Tennessee corporation
Respondent

By  
Its President

 
Billy A. Gray
Respondent

 
Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 25 day of April, 2006



Jill S. Clifton
Administrative Law Judge