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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) HPA Docket No. 06-0002  
 )  
 Gwain Wilson )  
 ) Consent Decision  
 Respondent ) 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. 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).

Respondent admits the jurisdictional allegations in paragraph 1 of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

A. Respondent Gwain Wilson is an individual whose mailing address is  
 352 Union Hollow Rd, Petavolburg 37144 *GW*  
~~274 Charlie Russell Road, Shelbyville, Tennessee 37460.~~

B. At all times material herein, respondent was the trainer of the horse

known as "Armed and Dangerous" and entered this horse as Entry No. 460 Class No. 83, on March 24, 2001, in the 33<sup>rd</sup> National Walking Horse Trainers Show in Shelbyville, Tennessee.

#### Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

#### Order

1. Respondent is assessed a civil penalty of \$1,000.
2. Respondent is disqualified for an uninterrupted period of eight months 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. For the purposes of this Order, "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. Jurisdiction is retained for the limited purpose of enforcement of this paragraph.

This order shall have the same effect as if entered after a full hearing and shall become effective on the ~~first day~~ <sup>2<sup>nd</sup> day of September, 2007.</sup> after service of this decision on the ~~respondent.~~ <sup>SW</sup>

Copies of this decision shall be served upon the parties.

~~Handwritten signature~~

Gwain Wilson  
Respondent

~~Handwritten signature~~

Robert A. Ertman  
Attorney for Complainant

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Done at Washington, D.C.  
Attorney for Respondent this 5<sup>th</sup> day of April, 2007

~~Handwritten signature~~

Administrative Law Judge  
PETER M. DAVENPORT