

Jin

255
10 11 58

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Mae Nettleship,)	
Anderson Nettleship, and)	HPA Docket No. 06-0006
Floyd Posenke,)	
)	Consent Decision
Respondents)	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 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).

The respondents admit the jurisdictional allegations in paragraph I of the complaint and 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, 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

1. Respondents Mae Nettleship and Anderson Nettleship are individuals whose mailing address is 1854 Elkhorn Circle, Fayetteville, Arkansas 72703. At all times mentioned herein said respondents were co-owners of the horse known as "Command With Pride."

2. Respondent Floyd Posenke is an individual whose mailing address is 3350 South Kauffman, Springfield, Missouri 65807.

3. On May 3, 2002, the respondents entered "Command With Pride" as entry number 327 in class number 36, at the Annual Ozark Festival Charity Horse Show in Fayetteville, Arkansas, for the purpose of showing or exhibiting the horse.

Conclusions

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

Order

1. The respondents are each disqualified for one year beginning May 1, 2006 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. This disqualification provision does not apply to the period of May 4, 5, and 6, 2006. "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.

This order shall have the same effect as if entered after a full hearing and shall become effective upon issuance on the respondents.

Copies of this decision shall be served upon the parties.

~~_____~~
Mae Nettleship
Respondent

~~_____~~
Anderson Nettleship
Respondent

~~_____~~
Floyd Posenke
Respondent

~~_____~~
Kenneth N. Hall
Attorney for Respondents

~~_____~~
Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 5th day of July, 2006

~~_____~~
Administrative Law Judge
PETER M. DAVENPORT