

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	HPA Docket No. 99-0029	RECEIVED
)		
Guy Ben Findley a/k/a Guy)		
Findley or Ben Findley and)		
Murlene T. Findley, jointly)		
known as Findley Farms;)		
Willie J. "Flip" Cook, Sr.;)		
and Linda Smith, d/b/a)		
Linda Smith Stables,)		
)	Consent Decision and Order as to	
Respondents)	Guy Ben Findley and Murlene Findley	

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. At all times material herein, Guy Ben Findley and Murlene Findley were individuals whose mailing address was 3387 North Bogan Road, Buford, Georgia 30519.
2. At all times material herein, said respondents owned a horse known as

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"Generator's Destroyer", which was entered as Entry No. 111, Class No. 106, on August 4, 1998, at the International Grand Championship Walking Horse Show in Murfreesboro, Tennessee.

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 jointly and severally assessed a civil penalty of \$1,000.00, which shall be made payable to the Treasurer of the United States and sent to the Complainant's attorney by September 13, 2004.

2. The respondent is disqualified for an uninterrupted period of 8 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. 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 September 5, 2004.

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Copies of this decision shall be served upon the parties.

Guy Ben Findley by [redacted] [redacted] Attorney
Guy Ben Findley
Respondent

Murlene Findley by [redacted] [redacted] Attorney
Murlene Findley
Respondent

[redacted]
[redacted]
Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.
this 17 day of September 2004

[redacted]
[redacted]
Administrative Law Judge
WILLIAM B. MORAN