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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	HPA Docket No. 17-0056
	)	HPA Docket No. 17-0057
JERRY BEATY, an individual;	)	HPA Docket No. 17-0058
MIKE DUKES, an individual; and	)	
BILL GARLAND, an individual,	)	
	)	CONSENT DECISION AND
Respondents.	)	ORDER AS TO RESPONDENT
	)	BILL GARLAND

This proceeding was instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*)(HPA or Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on December 28, 2016, alleging that the respondents violated the Act.

Respondent Bill Garland admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, and waives oral hearing and further procedure. The parties consent and agree to the entry of this decision for the purpose of settling this proceeding as to respondent Bill Garland, and resolving any and all other alleged or potential violations of the Act by him occurring up to and including September 4, 2017. 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).

Findings of Fact

1. Respondent Bill Garland is an individual residing in [redacted] and at all times mentioned herein was a "person" and an "exhibitor," as those terms are defined in the regulations promulgated under the Act (9 C.F.R. Parts 11 and 12).

2. On or about August 31, 2016, respondent Garland allowed the entry of a horse he owned (Line of Cash), for the purpose of showing the horse, in class 136 in a horse show in

Shelbyville, Tennessee.

Conclusion of Law

Respondent Garland 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.

Order

1. Respondent Bill Garland is disqualified for four months, beginning January 1, 2018, and ending April 30, 2018, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating[1] in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Bill Garland is assessed a civil penalty of $550, which shall be paid by November 1, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0058, and sent to:

USDA, APHIS, MISCELLANEOUS
P.O. Box 979043
St. Louis, Missouri 63197-9000

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[1]"Participating" means engaging in any activity beyond that of a spectator in connection with a horse show, horse exhibition, or horse sale or auction, 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.

The provisions of this order shall be final and effective as of September 20, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[redacted]

Bill Garland
Respondent

[redacted]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 26th day of Sept 2017

[redacted]

Bobbie J. McCartney
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

Bill Garland, Respondents
Docket: 17-0058

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the (SIGNED) CONSENT DECISION AND ORDER AS TO RESPONDENT BILL GARLAND has been furnished and was served upon the following parties on September 27, 2017 by the following:

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Respondent(s) – Electronic Mail
William E. (Bill) Garland
(b) (6)
[redacted]

Respectfully Submitted,

[redacted]

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