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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	) HPA Docket No. 17-0073
	)
Gwain Wilson, an individual,	)
	)
Respondent.	)

AMENDED CONSENT DECISION AND ORDER

The Consent Decision and Order issued on August 6, 2019 is amended by changing the disqualification dates for respondent Gwain Wilson as provided for in this Order.

This proceeding was instituted under the Horse Protection Act, 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 (USDA), on December 29, 201 , alleging the respondent violated the Act.

Respondent Gwain Wilson 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 Gwain Wilson and resolving any and all other alleged or potential violations of the Act by him, occurring up to and including September 2, 2018. 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 Gwain Wilson is an individual residing in *** and at all times mentioned herein was a "person" and "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 26, 2016, respondent entered a horse (Willie Be Strong) for showing in Class 51A in a horse show in Shelbyville, Tennessee.

3. On or about August 27, 2016, respondent entered a horse (Tarheel's Irresistible) for showing in Class 82 in a horse show in Shelbyville, Tennessee.

4. On or about August 30, 2016, respondent entered a horse (Zipline) for showing in Class 131 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Gwain Wilson 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

Respondent Gwain Wilson is disqualified for eighteen months, beginning December 1, 2020, and ending May 31, 2022, 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.

[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.

2. Respondent Gwain Wilson is assessed a civil penalty of $2,750, which shall be paid by November 25, 2020 by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0073 and sent to:

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

The provisions of this order shall become final and effective on the date the order is issued by the judge. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[redacted]

Gwain Wilson
Respondent
7-19-20

[redacted]

Tracey Manoff
Attorney for Complainant

Done at Washington, D.C.

this 20 day of July 2020

[redacted]

Jill S. Clifton
Administrative Law Judge