



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Franklin LaRue McWaters) [HPA]
) Docket No. 12-0603
)
Respondent)

CONSENT DECISION 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 I 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 Franklin LaRue McWaters is an individual whose current mailing address is 110 1st Avenue, Ashford, Alabama 36312.

B. At all times material hereto, respondent Franklin LaRue McWaters was the trainer and owner of the horse known as "Your Wish My Command" and entered this horse as Entry No. 7, Class No. 5, on May 21, 2009, at the Spring Fun Show in Shelbyville, Tennessee.

C. At all times material hereto, respondent Franklin LaRue McWaters was the trainer

and owner of the horse known as "Your Wish My Command" and entered this horse as Entry No. 127, Class No. 31, on August 27, 2009, at the Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

Conclusions


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


Order

1. Respondent Franklin LaRue McWaters is assessed a civil penalty of \$4,400, which shall be returned with this signed consent decision and order. The civil penalty shall be paid by certified check, payable to the "Treasurer of the United States". The certified check shall include the docket number of these proceedings, namely HPA Docket No. 12-0603.

2. This order shall have the same effect as if entered after a full hearing and shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.


Franklin LaRue McWaters
Respondent


Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.
this 23 day of JUN, 2014


Administrative Law Judge

Jill S. Clifton