

2015 AUG 10 AM 9: 21

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:)
)
Matthew McWilliams,) Docket No. 14-0172 (HPA)
)
)
Respondent.) CONSENT DECISION

This proceeding was instituted under the Horse Protection 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. The parties have agreed that this Consent Decision should be issued in accordance with the consent decision provisions of the applicable rules of practice (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.

Findings of Fact

1. Respondent Matthew McWilliams is an individual whose mailing address is (b) (6) (b) (6). At all times mentioned herein the Respondent is the owner and trainer of the horse known as "Artificially Flavored."

2. On September 14, 2013, the Respondent Matthew McWilliams entered for the purpose of showing or exhibiting the horse known as "Artificially Flavored" as entry number 312 in class number 10, at the Eighth Annual Bill Maack Memorial Horse Show in Bolivar, MO.

3. On September 14, 2013, the Respondent Matthew McWilliams showed or exhibited the horse known as "Artificially Flavored" as entry number 312 in class number 10, at the Eighth Annual Bill Maack Memorial Horse Show in Bolivar, MO.

Conclusions

The Respondent has admitted the jurisdictional facts and the parties have agreed to the provisions set forth in the following Order, this Consent Decision will be issued.

Order

1. Respondent Matthew McWilliams is disqualified for period of eight (8) months from the effective date of this Consent Decision. Two months of the disqualification shall be held in abeyance provided that the Respondent shall not violate any provision of this Consent Decision or any provision of the Act for the eight month period. If a violation occurs during the eight month period from the effective date of this Order, the two month period of disqualification held in abeyance will be immediately effective without further procedure on the date the Respondent is provided notice of the failure to comply with the terms of the Consent Decision or the violation of the Act. A "violation" includes a ticket issued by a Designated Qualified Person or the completion of an APHIS form 7077 by a Veterinary Medical Officer.

2. During the period of disqualification, the Respondent shall be disqualified 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. "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.

3. During the eight (8) months from the effective date of this Order, the Respondent shall not gift or otherwise transfer ownership, title, or custody of any of his horses to any actual or potential participant in any horse show or exhibition.

4. This order shall have the same effect as if entered after a full hearing and shall become final and effective upon issuance by the Administrative Law Judge.

5. Copies of this decision shall be served upon the parties.

[Redacted signature]

MATTHEW MCWILLIAMS
Respondent

[Redacted signature]

LAUREN BECKER
Attorney for Complainant

[Redacted signature]

DARLENE BOLINGER
Attorney for Complainant

Done at Washington, D.C.
this 10 day of AUG, 2015

[Redacted signature]

JILL S. CLIFTON
Administrative Law Judge