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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Gwain Wilson, d/b/a Dream Stables;	)	
William Russell Hyneman;	)	HPA Docket
John R. LeGate, Sr.; and Justin	)	No. 02-0003
Legate, d/b/a Gateway Farms;	)	
	)	
Respondents	)	

Consent Decision and Order as to William Russell Hyneman

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).

Respondent William Russell Hyneman 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 William Russell Hyneman is an individual whose mailing address is 1364 Cordova Grove, Germantown, Tennessee 38138.

B. Respondent William Russell Hyneman was the legal owner of the horse known as "Armed and Dangerous" and allowed the entry of this horse as Entry No. 460, Class No. 83, on March 24, 2001, in the 33rd National Walking Horse Trainers Show in Shelbyville, Tennessee.

Conclusions

Respondent William Russell Hyneman having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent William Russell Hyneman is assessed a civil penalty of $1,000.00, which shall be paid by certified check or money order and sent to the Attorney for Complainant at United States Department of Agriculture, Office of the General Counsel, Marketing Division, STOP 1417 - Room 2343-S, 1400 Independence Avenue, SW, Washington, D.C. 20250-1417.

2. Respondent William Russell Hyneman is disqualified for eight months beginning September 5, 2005 BSB 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. For the purposes of this Order, "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.

This order shall have the same effect as if entered after a full hearing and shall become effective upon issuance.

Copies of this decision shall be served upon the parties.

[redacted]
Brenda S. Bramlett
Attorney for Respondent

[redacted]
Robert A. Ertman
Attorney for Complainant

Done at Washington, D.C.
this 5th day of October, 2005

[redacted]
Administrative Law Judge
PETER M. DAVENPORT

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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Gwain Wilson, d/b/a Dream Stables;	)	
William Russell Hyneman;	)	HPA Docket
John R. LeGate, Sr.; and Justin	)	No. 02-0003
Legate, d/b/a Gateway Farms;	)	
	)	
Respondents	)	

Consent Decision and Order as to John R. LeGate Sr.

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).

Respondent John R. LeGate, Sr., 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 John R. LeGate, Sr., is an individual whose mailing address is 2948 Hwy 41 North, Shelbyville, Tennessee 37160.

B. Respondent John R. LeGate, Sr., constructively entered the horse known as "Armed and Dangerous" as Entry No. 460, Class No. 83, on March 24, 2001, in the 33rd National Walking Horse Trainers Show in Shelbyville, Tennessee.

Conclusions

Respondent John R. LeGate, Sr., having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent John R. LeGate, Sr., is disqualified for one year beginning September 1, 2005, 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. For the purposes of this Order, "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.

This order shall have the same effect as if entered after a full hearing and shall become effective upon issuance.

Copies of this decision shall be served upon the parties.

[redacted]

John R. LeGate, Sr.
Respondent

[redacted]

Robert A. Hrtman
Attorney for Complainant

Done at Washington, D.C.
this 5th day of October, 2005

[redacted]

Administrative Law Judge
PETER M. DAVENPORT