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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	HPA Docket No. 06-0005
	)	
MARK ARNOLD WILLIAMS, an individual; ALICE HAUN, an individual, and; TIMOTHY WAYNE HOLLEY, and individual doing business as TIM HOLLEY STABLES and TIM HOLLEY AND SON STABLES,	)	FIRST AMENDED DSC
	)	CONSENT DECISION AND ORDER
Respondents.	)	AS TO MARK ARNOLD WILLIAMS

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 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, to the entry of this decision.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Mark Arnold Williams is an individual whose mailing address is 4920 Highway 311, Holly Springs, Mississippi 38635. At all material times herein respondent Williams was the *de facto* owner of "Ultimate Game" and financed and controlled the horse's training and boarding, transportation to and from horse shows and exhibitions, and entry and

exhibition in horse shows and exhibitions.

2. On March 21, 2002, respondent Mark Arnold Williams, as an owner, allowed the entry of "Ultimate Game" as entry number 422 in class 27 at the 34th Annual National Walking Horse Trainers Show in Shelbyville, Tennessee for purposes of showing or exhibiting the horse.

Conclusions

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

Order

1. Respondent Mark Arnold Williams is disqualified for one year, from the effective date of this Order, 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.

2. Respondent is assessed a civil penalty of $500. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and sent to:

Bernadette Juarez
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW
Room 2343-South Building
Washington, DC 20250-1417

Payment of the civil penalty shall be sent to, and received by, Bernadette Juarez on or before October 31, 2006. Respondent shall state on his certified check or money order that the payment is in reference to HPA Docket No. 06-0005.

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.

Mark Arnold Williams
Respondent

Bernadette Juarez
Attorney for Complainant

Done at Washington, D.C.
this 6 day of APRIL, 2006

Jill S. Clifton
Administrative Law Judge