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CIVIL RIGHTS

**UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE**

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In re:

CYNTHIA McCONNELL,
WILSENE MOODY, and
O & W MOODY, LTD., CO.,
An Arkansas corporation,

Respondents.

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No. 12-0613

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CONSENT DECISION AND ORDER AS TO CYNTHIA McCONNELL

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 respondent Cynthia McConnell violated the Act, as well as an order of disqualification issued under 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 McConnell admits the jurisdictional allegations in paragraph 1 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

Respondent Cynthia McConnell is an individual whose mailing address is 125 E. Valleywood Drive, Collierville, Tennessee 38017 and has done business as Whitter Stables.

Conclusions

The 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 Cynthia McConnell is assessed a civil penalty of \$150,000.00, all of which is hereby held in abeyance provided that the respondent, after notice and opportunity for a hearing, is not found to have violated the Act or any provision of this consent decision and order.

2. Respondent Cynthia McConnell is permanently 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. 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 any horse show, horse exhibition, or horse sale or auction, personally giving instructions to exhibitors, and being present in the warm-up or inspection areas, or in any area where spectators are not allowed. Jurisdiction is retained for the limited purpose of enforcement of this paragraph. This Order shall not be construed to prohibit the arm's length one-on-one purchase or sale of horses.

This Order settles all claims against the respondent arising from the Act, up to and including November 1, 2012. It 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.

[REDACTED]

CYNTHIA McCONNELL

[REDACTED]

BRIAN HILL
Attorney for Complainant

Done at Washington, D.C.

This 15th day of November, 2012.

[REDACTED]

Administrative Law Judge