



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

CYNTHIA McCONNELL,)
WILSENE MOODY, and O & W) Docket No. 12-0613
MOODY, LTD., CO., an Arkansas corporation,)
)
)
Respondents.)

Consent Decision and Order as to O & W Moody, Ltd., Co.

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 O&W Moody, Ltd., Co. 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 O&W Moody, Ltd., Co. admits the jurisdictional allegations in paragraphs III and VII 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 O&W Moody Ltd., Co. is an Arkansas corporation whose mailing address at all relevant times was 1355 N. Central Ave., Batesville, Arkansas 72501-3208 and whose agent for service of process is Wilsene Moody, currently located at 656 Curve Road, Delaware, Ohio 43015.

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 O&W Moody, Ltd., Co. is assessed a civil penalty of \$2,200.
2. Respondent O&W Moody, Ltd., Co. is disqualified for a period of 14 months 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. The disqualification shall remain in effect at the end of the 14 month period in the event that Respondent fails to pay the civil penalty, until such is paid in full.

This order is intended to act as settlement of all claims under the HPA against the Respondent through August, 2012. This order shall also 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]

U.S. v. [REDACTED]

[REDACTED]

BRIAN HILL
Attorney for Complainant

Done at Washington, D.C.
this 10 day of FEB, 2014

[REDACTED]

Administrative Law Judge

[REDACTED]

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