



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

McCleish C. Benham,

Respondent.

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HPA Docket No.13-0345

Consent Decision
and Order

Consent Decision and Order as to McCleish C. Benham

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. §§ 1821-1831), 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 McCleish C. Benham admits the jurisdictional allegations as set forth herein 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.

Conclusions

1 Respondent McCleish C. Benham is an individual whose mailing address is 112 Lee Lane, Shelbyville, Tennessee 37160.

2. On or about March 18, 2011, respondent McCleish C. Benham, in violation of section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), entered for the purpose of showing or exhibiting the horse known as "Major General's Ritz" as entry number 180, class number 36, at

the 43rd Annual National Walking Horse Trainers Show in Shelbyville, Tennessee, while the horse was sore.

The complainant agrees to the entry of this decision.

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

Order

1. Respondent McCleish C. Benham is disqualified for six (6) 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. "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 on the respondent.

Copies of this decision shall be served upon the parties.

[Redacted Signature]

McCleish C. Benham
Respondent

[Redacted Signature]

Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 12th day of February, 2014

[Redacted Signature]

Administrative Law Judge