

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:

Timothy Lee Smith,)	
Mark West, and)	
Evergreen Horse Farm, Inc.)	HPA Docket Nos. 14-0057,
)	14-0058, 14-0059
)	
)	Consent Decision
Respondent)	and Order

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 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).

Respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and to the proceeding 13-0326 and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Mark West is an individual whose mailing address is 165

Duncan Road, Manchester, TN 37355.

2. On or about June 6, 2009, respondent Mark West entered for the purpose of showing or exhibiting the horse known as “FDR,” entry no. 232, class no. 68, in the 41st Annual Walking Horse Trainer’s Show in Shelbyville, TN.

Conclusions

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

Order

Respondent Mark West is disqualified for two years 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 disqualification shall run concurrently with Docket No. 13-0326.

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

Copies of this decision shall be served upon the parties.

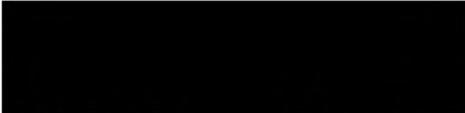


Mark West
Respondent



Jonathan Gordy
Attorney for Complainant

Done at Washington, D.C.
this 11th day of March, 2014



Administrative Law Judge