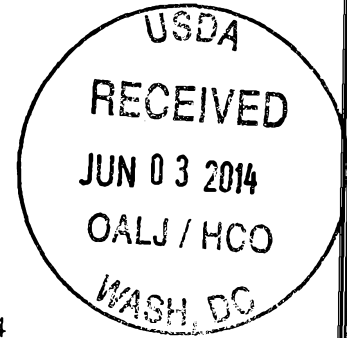


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: )  
 ) [HPA]  
Tom Ware, ) Docket No. 13-0024  
 )  
Respondent. )

CONSENT DECISION AND ORDER

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 that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, 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

Respondent Tom Ware is an individual who currently resides in Cynthiana, Kentucky.

Conclusions

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

Order

1. Respondent Tom Ware is assessed a civil penalty of \$3,500, which shall be received by May 18, 2015. The civil penalty shall be paid by certified check, payable to the

"Treasurer of the United States". The certified check shall include the docket number of these proceedings, namely HPA Docket No. 13-0024. The certified check shall be mailed to: USDA/APHIS, P.O. Box 979043, St. Louis, Missouri, 63197-9000.

2. Respondent Tom Ware is disqualified for an uninterrupted period of one year beginning on May 19, 2014, 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.

3. If Respondent fails to pay the assessed civil penalty by May 18, 2015, his disqualification shall remain in effect until the first day after APHIS receives payment of the civil penalty.

Copies of this decision shall be served upon the parties.



Tom Ware  
Respondent



Brian T. Hill  
Attorney for Complainant

Done at Washington, D.C.  
this 2 day of June, 2014



Administrative Law Judge

Jill S. Clifton