

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 17-0076
)	HPA Docket No. 17-0077
BUDDY DICK, an individual;)	HPA Docket No. 17-0078
RODNEY DICK, an individual;)	HPA Docket No. 17-0079
JOANN DOWELL, an individual,)	HPA Docket No. 17-0080
CHAD THOMPSON, an individual; and)	
GAIL WALLING, an individual,)	
)	CONSENT DECISION AND
Respondents.)	ORDER AS TO RESPONDENT
)	JOANN DOWELL

This proceeding was instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*)(HPA or Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on January 9, 2017, alleging that the respondents violated the Act.

Respondent JoAnn Dowell admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, and waives oral hearing and further procedure. The parties consent and agree to the entry of this decision for the purpose of settling this proceeding as to respondent Dowell, and resolving any and all other alleged or potential violations of the Act by her occurring up to and including August 30, 2017. 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).

Findings of Fact

1. Respondent JoAnn Dowell is an individual residing in [REDACTED] and at all times mentioned herein was a “person” and an “exhibitor,” as those terms are defined in the regulations promulgated under the Act (9 C.F.R. Parts 11 and 12).
2. On or about August 31, 2016, respondent JoAnn Dowell allowed the entry of a

horse she owned (Gus Malzahn), for the purpose of showing the horse, in class 143 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Dowell having admitted the findings of fact set forth above, and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent Dowell is disqualified for four months, beginning January 1, 2018, and ending April 30, 2018, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating¹ in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Dowell is assessed a civil penalty of \$550, which shall be paid by October 1, 2017, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0078, and sent to:

USDA, APHIS, MISCELLANEOUS
P.O. Box 979043
St. Louis, Missouri 63197-9000

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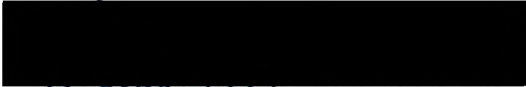
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¹“Participating” means engaging in any activity beyond that of a spectator in connection with a horse show, horse exhibition, or horse sale or auction, and includes, without limitation, transporting or arranging for the transportation of horses to 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.


The provisions of this order shall become final and effective on August 30, 2017. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.


JoAnn Dowell
Respondent


Thomas B. Kakassy
Attorney for Respondent


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 6th day of September 2017

 *Acting Chief ALS*
Jor
Bobbie J. McCartney
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

Joann Dowell, Respondent

Docket: 17-0078

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the (SIGNED) CONSENT DECISION AND ORDER AS TO RESPONDENT JOANN DOWELL has been furnished and was served upon the following parties on September 7, 2017 by the following:

USDA (OGC) - Electronic Mail

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Respondent(s) Representative – Electronic Mail

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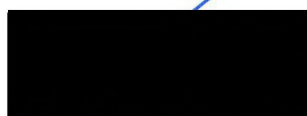
Tom@kakassylaw.com

Amy Choate

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Respectfully Submitted,

A black rectangular redaction box covers the signature of the legal assistant.

Ehruth Moron, Legal Assistant
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