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UNITED STATES DEPARTMENT OF AGRICULTURE: 11 26

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 01-0030
)	
SAND CREEK FARMS, INC., a Tennessee)	
corporation; BILLY A. GRAY, an individual;)	
WATERFALL FARMS, INC., a Georgia)	
corporation, also known as WATERFALL)	
FARMS; WILLIAM B. JOHNSON, an individual;)	Consent Decision and Order as
and SANDRA T. JOHNSON, an individual,)	to Respondents William B.
)	Johnson, Sandra T. Johnson,
Respondents.)	and Waterfall Farms, Inc.

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.)(the "Act"), 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 William B. Johnson, Sandra T. Johnson, and Waterfall Farms, Inc., admit the jurisdictional allegations in the complaint, specifically admit 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, to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Waterfall Farms, Inc., also known as Waterfall Farms, is a Georgia corporation whose agent for service of process is Rufus A. Chambers, 3390 Peachtree Road, Suite 450, Atlanta, Georgia 30326, and at all times mentioned herein was the registered owner of the Tennessee Walking Horse named "John F. K.'s Pusher."

2. Respondent William B. Johnson is an individual whose mailing address is 3424 Peachtree Road, N.E., Suite 2075, Atlanta, Georgia 30326, and at all times mentioned herein was a *de facto* owner or co-owner of “John F. K.’s Pusher.”

3. Respondent Sandra T. Johnson is an individual whose mailing address is 3424 Peachtree Road, N.E., Suite 2075, Atlanta, Georgia 30326, and at all times mentioned herein is and was a *de facto* owner or co-owner of “John F. K.’s Pusher.”

4. In approximately January 2000, respondents Waterfall Farms, Inc., aka Waterfall Farms, William B. Johnson, and Sandra T. Johnson retained respondent Sand Creek Farms, Inc., to train “John F.K.’s Pusher” to perform in horse shows and exhibitions, and to show “John F.K.’s Pusher” in horse shows.

5. On or about March 24, 2001, respondents Waterfall Farms, Inc., William B. Johnson and Sandra Johnson showed and allowed respondents Sand Creek Farms, Inc., and Billy A. Gray to show “John F. K.’s Pusher” in the 33rd Annual National Walking Horse Trainers Show in Shelbyville, Tennessee (the “Trainers Show”), as entry number 491 in class number 76.

Conclusions

1. Respondents Waterfall Farms, Inc., William B. Johnson, and Sandra T. Johnson, 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. The following order is authorized by the Act and warranted under the circumstances.

Order

1. Respondents Waterfall Farms, Inc., William B. Johnson, and Sandra T. Johnson, are

each assessed a civil penalty of \$6,600. The civil penalties shall be paid by certified checks or money orders, made payable to the "Treasurer of the United States" and sent to:

Colleen A. Carroll
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW
Room 2343-South Building
Washington, DC 20250-1417

Respondents shall indicate on their respective certified checks or money orders that payment is in reference to HPA Docket No. 01-0030.

2. Respondents Waterfall Farms, Inc., William B. Johnson, and Sandra T. Johnson, their agents and employees, successors and assigns, directly or indirectly or through any corporate or other device, shall cease and desist from violating the Act and the regulations issued thereunder.

This order shall 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 respondents. Copies of this decision shall be served upon the parties.

NEAL & HARWELL, PLC

By: 

Aubrey B. Harwell, Jr.

Gerald D. Neenan

Aubrey B. Harwell III

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150 Fourth Avenue North

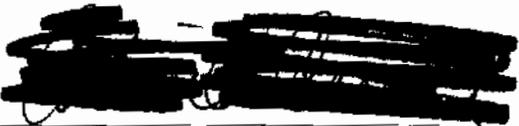
Nashville, Tennessee 37219

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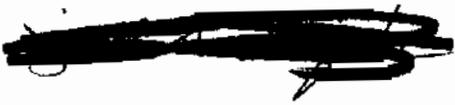
Counsel for Respondents Waterfall Farms, Inc.,

William B. Johnson, and Sandra T. Johnson


Colleen A. Carroll

Attorney for Complainant

Done at Washington, D.C.
this 10 day of Feb, 2009


Jill S. Clifton
Administrative Law Judge