

ORIGINAL

USD
CALIFORNIA

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2011 NOV -11 AM 8:44

RECEIVED

In re:)	Dkt No. 11-0450
)	
Jerry W. Collier doing business as)	
Jerry Collier Stables,)	
and Melanie C. Collier,)	Consent Decision
)	and Order as to
Respondents)	Jerry W. Collier

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).

The Respondent admits the jurisdictional allegations in paragraph I of the complaint 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.

The complainant agrees to the entry of this decision.

Findings of Fact

A. Respondent Jerry W. Collier is an individual whose mailing address is 3165 County Road 92, Rogersville, Alabama 35652.

B. At all times material herein, Jerry W. Collier was the trainer of the horse known as "Color Blind."

C. At all times material herein, Melanie C. Collier was the owner of the horse known as "Color Blind."

D. On or about August 27, 2009, the Respondent Jerry W. Collier entered a horse known as "Color Blind" as Entry No. 437, Class No. 24, at the 71st Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

Conclusions

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

Order

1. Respondent Jerry W. Collier is assessed a civil penalty of \$1,100 which shall be paid by a certified check, registered check or money order made payable to the Treasurer of the United States. The civil penalty shall be sent to Sharlene Deskins, USDA OGC Marketing Division, 1400 Independence Ave., S.W., Mail Stop 1417, Washington, D.C. 20250-1417.

2. The Respondent is disqualified for eight uninterrupted 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. The disqualification shall continue until the civil penalty is paid in full.

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 Respondent.

Copies of this decision shall be served upon the parties.


Jerry W. Collier
Respondent


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 4th day of November, 2011


Administrative Law Judge