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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) HPA Docket No. 03-0005
)
Chad Way, an individual,)
Chad Way Stables, Inc., a)
Tennessee corporation,)
)
Respondents.) CONSENT DECISION AND ORDER

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by an amended 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 the amended complaint and 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.

Complainant agrees to the entry of the of this decision.

FINDINGS OF FACT

1. Respondent Chad Way is an individual whose mailing address is 728 Sir Winston Place, Franklin, Tennessee 37064.
2. Respondent Chad Way Stables, Inc., is a corporation whose business mailing address is 2692 Midland Road, Shelbyville, Tennessee 37160.
3. On or about August 25, 2001, respondents Chad Way and Chad Way Stables, Inc., entered "Jose Jose" as entry number 1499 in class number 70B, in the 63rd Annual Tennessee

Walking Horse Celebration in Shelbyville, Tennessee, for the purpose of showing or exhibiting the horse.

CONCLUSION OF LAW

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

ORDER

1. Respondents Chad Way and Chad Way Stables, Inc., are jointly and severally assessed a civil penalty of \$2,200. The civil penalty shall be paid by cashier's check or money order, made payable to the Treasurer of the United States, marked with HPA Docket No. 03-0005, deposited with a commercial delivery service such as FedEx or UPS, for receipt by Bernadette R. Juarez, Office of the General Counsel, United States Department of Agriculture, 1400 Independence Avenue SW, Room 2343 South Building, Stop 1417, Washington, D.C. 20250-1417, on or before June 9, 2006.

2. Respondent Chad Way is disqualified for a period of six-months, from September 3, 2006 through March 3, 2007, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, family member, corporation, partnership, or other device, and from judging, managing, or otherwise participating in any horse show, horse exhibition, or horse sale or auction.¹ If the civil penalty remains unpaid at the end of the six-month

¹"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 any area where spectators are not allowed, and financing the participation of others in equine events.

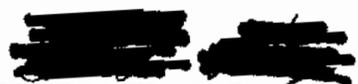
disqualification period, respondent Chad Way shall remain disqualified until the civil penalty has been fully paid.

3. Respondent Chad Way Stables, Inc., is disqualified for a period of three-months, from September 3, 2006 through December 3, 2006, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, family member, corporation, partnership, or other device, and from judging, managing, or otherwise participating in any horse show, horse exhibition, or horse sale or auction.² If the civil penalty remains unpaid at the end of the three-month disqualification period, respondent Chad Way Stables, Inc., shall remain disqualified until the civil penalty has been fully paid.

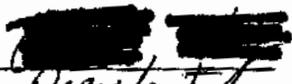
This order shall have the same effect as if entered after a full hearing and shall become effective on the first day after service of this decision on the respondent.

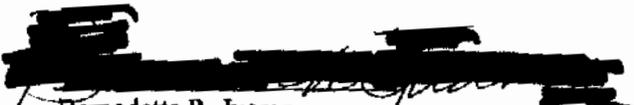
²"Participating" means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in any area where spectators are not allowed, and financing the participation of others in equine events.

Copies of this decision shall be served upon the parties.


Chad Way
Respondent

CHAD WAY STABLES, INC.

By 
its *President*
Respondent


Bernadette R. Juarez
Attorney for Complainant

Done at Washington, D.C.
this 30th day of June, 2006


Peter M. Davenport
Chief Administrative Law Judge