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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

| | | |
|---|---|---|
| In re: | ) | HPA Docket No. 13-0242 |
| | ) | |
| Nicholaus Plafcan | ) | |
| | ) | Consent Decision |
| Respondent | ) | and Order |

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. §1821 et seq.) (Act), 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 Nicholaus Plafcan 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

1. Respondent Nicholaus Plafcan is an individual whose mailing address was 73036 Highway 21, Van Buren, Missouri 63965.

2. On or about August 9, 2011, the respondent entered for the purpose of showing or exhibiting the horse known as "Watch My Expression" as entry number 172, class number 251 at the Missouri State Fair Society Horse Show in Sedalia, Missouri.

## Conclusions

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

## Order

1. Respondent Nicholaus Plafcan is disqualified for a period of eight 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.

This order shall have the same effect as if entered after a full hearing and shall become effective upon issuance.

[redacted] ion shall be served upon the parties.

NICHOLAUS PLAFCAN
Respondent

[redacted]

THOMAS B. KAKASSY
Attorney for Respondent

[redacted]

DARLENE M. BOLINGER
Attorney for Complainant

Done at Washington, D.C.
this 30th day of July, 2014

[redacted]

PETER M. DAVENPORT
Chief Administrative Law Judge