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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
John Allan Callaway, II, d/b/a	)	
Allan Callaway Stables	)	Docket No. 14-0017 (HPA)
	)	
	)	Consent Decision and Order

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by a complaint filed November 4, 2013, alleging that the Respondent John Allan Callaway, II, d/b/a/ Allan Callaway Stables 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 John Allan Callaway, II, d/b/a/ Allan Callaway Stables 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 John Allan Callaway, II, d/b/a/ Allan Callaway Stables, is an individual whose mailing address is not provided to protect his privacy.

2. On August 28, 2012, Respondent John Allan Callaway, II entered for the purpose of showing or exhibiting the horse known as "Cheatin Danger" as entry number 933 in class

number 119, at the 74th Annual Tennessee Walking Horse National Celebration in Shelbyville, TN.

3. On August 30, 2012, Respondent John Allan Callaway, II entered for the purpose of showing or exhibiting the horse known as "The Prime Suspect" as entry number 921 in class number 143, at the 74th Annual Tennessee Walking Horse National Celebration in Shelbyville, TN.

Conclusions

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

Order

Respondent John Allan Callaway is disqualified for a period of one (1) uninterrupted year 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. The period of disqualification shall begin on April 3, 2016 and end on April 3, 2017. "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 a horse show, horse exhibition, or horse sale or auction.

2. The Respondent is assessed a civil penalty of one thousand and one hundred dollars ($1,100.00).

3. The Respondent shall sign this consent decision and order and send the signed original to U.S. Department of Agriculture, Office of the General Counsel, Attn: Jonathan Gordy, Room 2343 South Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250-1400. Within five (5) days from the effective date of this order, the Respondent shall send a certified check or money order in the amount of one thousand and one hundred dollars ($1,100.00), payable to the Treasurer of the United States, to USDA APHIS General, P.O. Box 979043, St. Louis, Missouri 63197-9000. The certified check or money order shall include the docket number of this proceeding (14-0017) in the memo section of the check or money order.

This decision and order shall become final and effective on the date on which it is signed and issued by an Administrative Law Judge and this order shall have the same effect as if entered after a full hearing.

Copies of this decision shall be served upon the parties.

[redacted]

JOHN ALLAN CALLAWAY II
Respondent

[redacted]

BRENDA S. BRAMLETT
Attorney for Respondent

[redacted]

JONATHAN GORDY
DARLENE M. BOLINGER
FRANK MARTIN
BRIAN HILL
Attorneys for Complainant

Done at Washington, D.C.

this 12 day of April, 2016

[redacted]

JILL S. CLIFTON
Administrative Law Judge