

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | |
| |) | |
| JOSHUA CLAY MILLS |) | Docket Nos. 12-0602, 12-0640, 12-0642 |
| |) | 12-0644, 13-0029, 14-0089 (HPA) |
| |) | |
| Respondent. |) | Consent Decision and Order |

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by complaints filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, on August 27, 2012, September 18, 2012, September 18, 2012, September 18, 2012, October 12, 2012, April 1, 2014, 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 complaints 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 Joshua Clay Mills is an individual. The Respondent's mailing address will not be provided to protect his privacy.
2. On May 29, 2010, the Respondent entered the horse known as "The Games We Play" as Entry No. 335, in Class No. 45, at the 40th Annual Spring Fun Show at Shelbyville, Tennessee.

3. On May 21, 2009, the Respondent entered the horse known as "Royal Luck" as Entry No. 52, in Class No. 15, at the 39th Annual Spring fun Show at Shelbyville, Tennessee.
4. On June 6, 2009, the Respondent allowed the entry of the horse known as "The Games We Play" as Entry No. 64, in Class No. 77, at the 41st Annual Walking Horse Trainers' Show at Shelbyville, Tennessee.
5. On August 27, 2009, the Respondent showed or exhibited the horse known as "I'm Wall Street" as Entry No. 284, in Class No. 33B, at the 71st Annual Tennessee Walking Horse National Celebration at Shelbyville, Tennessee.
6. On October 22, 2010, the Respondent allowed the entry of the horse known as "I'm The Gambler" as Entry No. 628, in Class No. 25, at the East Tennessee Walking Horse Association Fall Classic Horse Show at White Pine, Tennessee.
7. On July 27, 2012, the Respondent showed or exhibited the horse known as "The Games We Play" as Entry No. 162, in Class No. 16, at the Marshall County Horseman's Association Horse Show in Lewisburg, Tennessee.
8. On July 27, 2012, the Respondent showed or exhibited the horse known as "I'm Wall Street" as Entry No. 160, in Class No. 28, at the Marshall County Horseman's Association Horse Show in Lewisburg, Tennessee

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 Joshua Clay Mills is disqualified for a period of four (4) uninterrupted years 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 March 17, 2016 and end on March 17, 2020. "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.

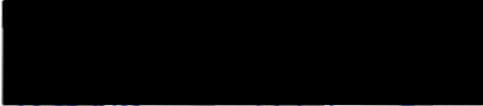
2. The Respondent is assessed a civil penalty of two thousand and two hundred dollars (\$2,200.00).


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: Darlene Bolinger, 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 two thousand and two hundred dollars (\$2,200.00), 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 numbers of this proceeding (12-0602, 12-0640, 12-0642, 12-0644, 13-0029, and 14-0089) 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.



JOSHUA CLAY MILLS
Respondent


ALICIA N. NAPIER
Attorney for Respondent


SHARLENE DESKINS
DARLENE M. BOLINGER
Attorneys for Complainant

Done at Washington, D.C.

this 18th day of MARCH, 2016


JANICE K. BULLARD
Administrative Law Judge