

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
Jerry W. Collier,)	Docket No. 13-0327 (HPA)
)	Docket No. 15-0017 (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 26, 2013 (Docket No. 13-0327), and on October 28, 2014 (Docket No. 15-0017), alleging that the respondent violated the Act. The two cases were consolidated by an order dated November 6, 2014. 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 Jerry W. Collier 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 Jerry W. Collier, is an individual whose mailing address is (b) (6) (b) (6) At all times mentioned herein said respondent was the trainer of the horses known as "Papa's Dark Shadow", "Sky's Peaches and Cream", and "Zeta".
2. On or about August 24, 2012, respondent Jerry W. Collier entered for the purpose of showing or exhibiting the horse known as "Papa's Dark Shadow" as entry number 1271, class number 53 in the 74th Annual Tennessee Walking Horse National Celebration in Shelbyville, TN.
3. On Or about April 12, 2013, respondent Jerry W. Collier entered for the purpose of showing or exhibiting the horse known as "Sky's Peaches & Cream" as entry number 67, class number 22 in the Annual Fayetteville Blue Ribbon Horse Show in Fayetteville, TN.
4. On or about August 29, 2014, respondent Jerry W. Collier entered for the purpose of showing or exhibiting the horse known as "Zeta" as entry number 777, class number 164 in the 76th Annual Tennessee Walking Horse National Celebration in Shelbyville, TN.

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. Beginning on the effective date of this decision and order, Respondent Jerry W. Collier is disqualified for thirty (30) 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.

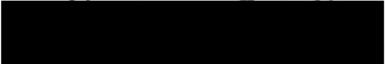
2. Respondent Jerry W. Collier is assessed a civil penalty of \$600.00.

3. 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 M. Bolinger, Room 2319 South Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250-1400. Within ten (10) days from the effective date of this order, respondent Collier also shall send a certified check or money order in the amount of six hundred dollars (\$600.00), 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 in the memo section of the check or money order.


4. This decision and order shall become final and effective on the date on which it is signed and issued by an Administrative Law Judge.

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


Copies of this decision shall be served upon the parties.



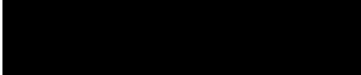
Jerry W. Collier
Respondent



David F. Broderick
Attorney for Respondent




R. Taylor Broderick
Attorney for Respondent



Darlene M. Bolinger
Attorney for Complainant

Done at Washington, D.C.

this 5th day of November, 2015



JANICE K. BULLARD
Administrative Law Judge