

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) HPA Docket No. 13-0289
)
)
Beverly T. Sherman,)
and Larry D. George,)
)
) Consent Decision and Order
Respondents) as to only **Beverly T. Sherman**

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. §§ 1821 et seq.), by a 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), and pertains only to respondent Beverly T. Sherman ("respondent Sherman").

Respondent Sherman 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 Sherman is an individual whose mailing address is 6924 Oak Manor Drive, Dallas, Texas 75230-2360.
2. On November 12, 2011, respondent Sherman entered the horse known as "She's Sugarland" as entry number 830 in class number 48, in the 2011 Delta Fall Classic at Tunica,

Mississippi, for the purpose of showing or exhibiting the horse. At that time, respondent Sherman was the owner of the horse known as "She's Sugarland."

Conclusions

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

Order

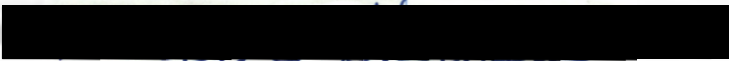
1. Respondent Sherman is assessed a civil penalty of \$1,100, which shall be paid immediately upon effectiveness of this order. The civil penalty shall be paid by certified check, payable to the "Treasurer of the United States". The certified check shall include the docket number of this proceeding, namely **HPA Docket No. 13-0289**.


2. Additionally, respondent Sherman 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.


3. By signing this consent decision, respondent Sherman certifies that, as of September 1, 2013, she has not shown, exhibited, or entered any horse, directly or indirectly through any agent, employee, or other device, nor has she judged, managed or otherwise participated in any horse show, horse exhibition, or horse sale or auction. Accordingly, respondent Sherman's

disqualification period began on September 1, 2013, and will terminate on May 1, 2014, provided that the United States has received from respondent Sherman the assessed \$1,100 civil penalty.


4. This order shall have the same effect as if entered after a full hearing. Copies of this decision shall be served upon the complainant and respondent Sherman. This order shall become effective on the first day after service of this decision on the respondent.


Beverly T. Sherman
Respondent


Jack G. Heffington
Attorney for Respondent


Susan C. Golabek
Attorney for Complainant

Done at Washington, D.C.,
this 12 day of DEC, 2013


Administrative Law Judge

Jill S. CLIFTON