

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	HPA Docket No. 17-0111
)	HPA Docket No. 17-0115
LARRY GEORGE, an individual;)	HPA Docket No. 17-0116
BEVERLY TOWNES SHERMAN, an)	
individual; and PATRICIA KELLY)	
SHERMAN, an individual,)	
)	CONSENT DECISION
Respondents.)	AND ORDER AS TO
)	PATRICIA KELLY SHERMAN

This proceeding was instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*) (HPA or Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), on January 10, 2017, alleging that the respondents violated the Act.

Respondent Patricia Kelly Sherman admits the jurisdictional allegations in the complaint as to her, specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, and waives oral hearing and further procedure. The parties consent and agree to the entry of this decision for the purpose of settling this proceeding as to respondent Patricia Kelly Sherman, and resolving any and all other alleged or potential violations of the Act by her occurring up to and including September 2, 2018. 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).

Findings of Fact

1. Respondent Patricia Kelly Sherman is an individual residing in [REDACTED] and at all times mentioned herein was a “person” and an “exhibitor,” as those terms are defined in the regulations promulgated under the Act (9 C.F.R. Parts 11 and 12).

2. On or about August 26, 2016, respondent Patricia Kelly Sherman entered a horse (She's Sugarland) for showing in class 57 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Patricia Kelly Sherman having admitted the findings of fact set forth above, and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent Patricia Kelly Sherman is disqualified for four months, beginning January 1, 2019, and ending April 30, 2019, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating¹ in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, or other device.

2. Respondent Patricia Kelly Sherman is assessed a civil penalty of \$550, which shall be paid by April 30, 2019, by check made payable to USDA/APHIS, indicating that the payment is in reference to HPA Docket No. 17-0116, and sent to:

USDA, APHIS, MISCELLANEOUS
P.O. Box 979043
St. Louis, Missouri 63197-9000

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¹“Participating” means engaging in any activity beyond that of a spectator in connection with a horse show, horse exhibition, or horse sale or auction, 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.

The provisions of this order shall be final and effective as of January 1, 2019. This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted signature]

Patricia Kelly Sherman
Respondent

[Redacted signature]

Karin Cagle
Attorney for Respondent

[Redacted signature]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.,
this 21 day of February 2019

[Redacted signature]

Jill S. Clifton
Administrative Law Judge