

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) HPA Docket No. 14-0199
) HPA Docket No. 17-0163
Herbert Derickson, an individual,)
)
Respondent.)

AMENDED CONSENT DECISION AND ORDER

The Consent Decision and Order issued on January 28, 2019 is amended by changing the disqualification dates for respondent Herbert Derickson, an individual, as provided for in this Order.

These consolidated proceedings were instituted under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*) (HPA or Act), by complaints filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), September 18, 2014 (HPA Docket 14-0199), and January 12, 2016 (HPA Docket 17-0163), alleging that the respondent violated the Act.

Respondent Herbert Derickson admits the jurisdictional allegations in the complaints as to him, specifically admits that the Secretary has jurisdiction in this matter, denies the remaining allegations, and waives oral hearing and further procedure.

The parties consent and agree to the entry of this decision for the purposed of settling these proceedings as to respondent Herbert Derickson, and resolving any and all other alleged or potential violations of the Act by him 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 Herbert Derickson is an individual residing in the state of Tennessee 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 May 18, 2012, respondent Herbert Derickson entered a horse (Le Patron) for showing in class 18 in a horse show in Petersburg, Tennessee.
3. On or about May 25, 2013, respondent Herbert Derickson entered a horse (The Doc’s on Call) for showing in class 49 in a horse show in Shelbyville, Tennessee.
4. On March 27, 2014, respondent Herbert Derickson showed a horse (Jose’s Cartel) in class 35 in a horse show in Jackson, Mississippi.
5. On or about July 3, 2014, respondent Herbert Derickson entered a horse (Keep Your Cash) for showing in class 29 in a horse show in Shelbyville, Tennessee.
6. On or about July 3, 2014, respondent Herbert Derickson entered a horse (Gin Fusion) for showing in class 4 in a horse show in Shelbyville, Tennessee.
7. On July 26, 2014, respondent Herbert Derickson showed a horse (Pushin’ the Cash) in class 17 in a horse show in Pulaski, Tennessee.
8. On or about August 21, 2014, respondent Herbert Derickson entered a horse (Bacardi and Me) for showing in class 29 in a horse show in Shelbyville, Tennessee.
9. On or about August 23, 2014, respondent Herbert Derickson entered a horse (The Iron Door) for showing in class 29 in a horse show in Shelbyville, Tennessee.

10. On or about August 23, 2013, respondent Herbert Derickson entered a horse (Jose's Cartel) for showing in class 78 in a horse show in Shelbyville, Tennessee.
11. On August 24, 2014, respondent Herbert Derickson showed a horse (Hot Texas Salsa) in class 83 in a horse show in Shelbyville, Tennessee.
12. On or about September 3, 2015, respondent Herbert Derickson entered a horse (I'm Vin Diesel) for showing in class 153 in a horse show in Shelbyville, Tennessee.
13. On August 31, 2015, respondent Herbert Derickson entered a horse (Jose's High Score) for showing in class 114a in a horse show in Shelbyville, Tennessee.
14. On or about November 14, 2015, respondent Herbert Derickson entered a horse (Keep Your Cash) for showing in class 7 in a horse show in Shelbyville, Tennessee.
15. On or about April 21, 2016, respondent Herbert Derickson entered a horse (She Loves Power) for showing in class 5 in a horse show in Panama City Beach, Florida.
16. On or about May 7, 2016, respondent Herbert Derickson entered a horse (Bar Gin) for showing in class 13 in a horse show in Manchester, Tennessee.
17. On or about June 17, 2016, respondent Herbert Derickson entered a horse (Southern Elegance) for showing in class 13 in a horse show in Shelbyville, Tennessee.
18. On July 1, 2016, respondent Herbert Derickson showed a horse (She's In Strong Demand) in class 4 in a horse show in Shelbyville, Tennessee.
19. On July 1, 2016, respondent Herbert Derickson entered a horse (Broadway Jazzman) for showing in class 15 in a horse show in Shelbyville, Tennessee.

20. On or about July 2, 2016, respondent Herbert Derickson entered a horse (Carolina Con) for showing in class 11 in a horse show in Woodbury, Tennessee.

21. On or about July 22, 2016, respondent Herbert Derickson showed a horse (Jose Bueno) in class 6 in a horse show in Cornersville, Tennessee.

22. On or about July 22, 2016, respondent Herbert Derickson entered a horse (Southern Elegance) for showing in class 9 in a horse show in Lewisburg, Tennessee.

23. On or about July 22, 2016, respondent Herbert Derickson entered a horse (Jose the Champ) for showing in class 22 in a horse show in Lewisburg, Tennessee.

24. On or about August 27, 2016, respondent Herbert Derickson showed a horse (Gin Toddy) in class 73 in a horse show in Shelbyville, Tennessee.

25. On or about August 27, 2016, respondent Herbert Derickson entered a horse (Chips N Salsa) for showing in class 76 in a horse show in Shelbyville, Tennessee.

26. On or about August 31, 2016, respondent Herbert Derickson entered a horse (The Crimson Sky) for showing in class 143 in a horse show in Shelbyville, Tennessee.

27. On March 24, 2017, respondent Herbert Derickson entered a horse (I'm Just Kidding) for showing in class 25 in a horse show in Shelbyville, Tennessee.

Conclusion of Law

Respondent Herbert Derickson 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

Respondent Herbert Derickson is disqualified for five years, beginning December 1, 2020, and ending November 30, 2025, 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, directly or indirectly, through any agent, employee or other device.

“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 become final and effective on the date of issuance (the date the judge signs the order). This order may be executed in counterparts. Copies of this decision shall be served upon the parties.

[Redacted signature]

Herbert Derickson
Respondent

[Redacted signature]

Tracey Manoff
Attorney for Complainant

Done this 7 day of Jul 2020

[Redacted signature]

Administrative Law Judge

Jill S Clifton