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UNITED STATES DEPARTMENT OF AGRICULTURE 2012 JUL 24 PM 4:14
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Derrick S. Butner,)
Tyler Oliver,)
Lloyd W. Sebastian,)
and B-Sha Sebastian,)
)
Respondents)

Docket No. 11-0307 RECEIVED

Consent Decision and Order as to
Derrick S. Butner

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).

Respondent Derrick S. Butner 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

- A. Respondent Derrick S. Butner is an individual whose mailing address is 3629 Richmond Road, Lancaster, Kentucky 40444.
- B. At all times material hereto, respondent Derrick S.

Butner was a trainer of the horse known as "Reflector's ET" and entered this horse as Entry No. 301, Class No. 65, On April 19, 2008, at the Spring Jubilee Charity Horse Show, Harrodsburg, Kentucky.

Conclusions


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


Order


Respondent Derrick S. Butner is disqualified for an uninterrupted period of one year 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. For the purposes of this Order, "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 any horse show, horse exhibition, or horse sale or auction, personally giving instructions to exhibitors, and being present in the warm-up or inspection areas, or in any area where spectators are not allowed. Jurisdiction is retained for the limited purpose of enforcement of this paragraph.

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


Copies of this decision shall be served upon the parties.


Caywood Metcalf
Attorney for Respondent


Derrick S. Butner
Respondent


Robert A. Ertman
Attorney for Complainant

Done at Washington, D.C.
this 24 day of July 2012


Administrative Law Judge
Jill S. Clifton