

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) HPA Docket No. 08-0111
)
Terry Logan Lunsford,)
Terry Wayne Sims also known as Terry Sims)
and Charles Sims,)
) Consent Decision
) and Order
Respondents)

Consent Decision as To Terry Wayne Sims
also known as Terry Sims

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 Terry Wayne Sims also known as Terry Sims 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 purposes only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

A. Respondent Terry Wayne Sims also known as Terry Sims is an individual whose mailing address is 205 Jahdc Dr., Nicholasville, Kentucky 40356.

B. On or about April 20, 2007, Terry Wayne Sims transported "HBO" to the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky.

C. On or about April 20, 2007, respondent Terry Wayne Sims entered a horse known as "HBO" as Entry No. 47, Class No. 27, at the Spring Jubilee Charity Horse Show in Harrodsburg, Kentucky. .

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 Terry Wayne Sims is disqualified for eight uninterrupted 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. The disqualification shall start on September ~~15th~~^{21st} 2009.

This order shall have the same effect as if entered after a full hearing and shall become effective on the first day after service of this decision on the respondents.

Copies of this decision shall be served upon the parties.

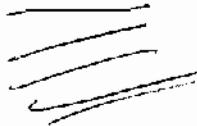


Terry Wayne Sims
also known as
Terry Sims
Respondent

7-29-09

~~Start on Sept, 22, 09~~

Please



Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 6th day of August, 2009



Peter M. Davenport
Administrative Law Judge