

**STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

In the Matter of:)
Clayton Tibbetts) ADMINISTRATIVE CONSENT AGREEMENT
431 Zions Hill Road.) AND
Chesterville, ME 04938) FINDINGS OF FACT
)

This Agreement by and between Clayton Tibbetts (hereinafter called the “Owner”) and the Maine Department of Agriculture, Conservation and Forestry, through its Commissioner, Amanda Beal, is entered into pursuant to 7 M.R.S. §§ 2, 13, and 96 (2023).

The parties to this Agreement agree as follows:

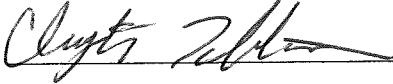
1. That the Owner entered draft horse Dick (Tag No. 6735) in a pulling competition at the Farmington Fair on September 21, 2023.
2. That, pursuant to 7 M.R.S. § 96(1), a person may not feed, inject, insert, or otherwise administer or attempt to administer or instruct, aid, or conspire with another person to administer or employ anyone who administers or attempts to administer a prohibited substance to an animal.
3. That, pursuant to 7 M.R.S. § 96(2), a person may not enter or use in a pulling competition an animal that has been administered a prohibited substance, and that the Commissioner may require the animal to be tested for the presence of a prohibited substance before, during, or after an event.
4. That, pursuant to 7 M.R.S. § 96(3), an animal entered into a pulling competition is subject to an examination that may include physical, saliva, urine, or blood tests, or other tests or procedures that are considered necessary to determine whether an animal has been administered a prohibited substance.
5. That a blood sample taken from Dick on September 21, 2023, disclosed the presence caffeine.
6. That caffeine is a prohibited substance pursuant to 7 M.R.S. §§ 81(11) and 96(1)-(2).
7. That, pursuant to 7 M.R.S. § 96(5), a chemical analysis revealing the presence of caffeine in a horse following a pulling competition is prima facie evidence that the animal has been administered a prohibited substance.

8. That, based on Paragraphs 1-6, the Owner violated the law prohibiting the administration of and entry of an animal administered a prohibited substance in a pulling competition pursuant to 7 M.R.S. §§ 96(1)-(2).
9. That the Owner admits the violations described in the preceding paragraph.
10. That, pursuant to 7 M.R.S. §§ 96(8)-(10), in lieu of this Agreement, the Commissioner could otherwise pursue an administrative hearing or a civil violation action against the Owner for the violations described herein, and that the Owner could incur monetary penalties under such provisions.
11. That the Owner expressly waives:
 - a. Notice of or opportunity for hearing;
 - b. Any and all further procedural steps before the Commissioner;
 - c. The making of any further findings of fact before the Commissioner; and
 - d. The right to appeal this Agreement.
12. That this Agreement shall not become effective unless and until the Commissioner signs it and the Office of the Attorney General approves it. The suspensions described below run from the date of the last signature on this Agreement.
13. That in consideration for the release by the Commissioner of the causes of action that the Commissioner has against the Owner resulting from the violation described in Paragraphs 1-8, the Owner agrees to a 2-year suspension from the date of this Agreement from competing in any pulling competition within the State, and a 1-year suspension from the date of this Agreement for the draft horse named Dick from competing in any pulling competition within the State.
14. That the Commissioner grants a release of her causes of actions against the Owner for the specific violations cited in the immediately preceding paragraph on the express condition that the Owner does not compete in any pulling competition within the State for a period of 2 years from the date of this Agreement, and that the draft horse Dick not be entered into any pulling competition within the State for a period of 1 year from the date of this Agreement. Furthermore, the violation described in this Agreement constitutes a first offense for the purposes of calculating penalties for any additional violations.
15. That any non-compliance with any term or condition of this Agreement, as determined by the Commissioner, voids the release set forth in Paragraph 13 of this Agreement and may lead to an enforcement, suspension/revocation, equitable, and/or civil violation action pursuant to Title 7 of the Maine Revised Statutes.


16. That nothing in this Agreement shall be construed to be a relinquishment of the Commissioner's powers under Titles 7 of the Maine Revised Statutes against the Owner for any other violations other than those expressly listed in this Agreement.
17. That this instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and indorsed on this Agreement.
18. That this Agreement constitutes final, non-appealable agency action regarding Clayton Tibbetts.

I, Clayton Tibbetts, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON ME. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY AND KNOWINGLY AND AGREE THAT I WILL BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

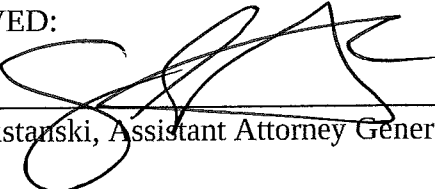
CLAYTON TIBBETTS

By:  Date: 4/30/24

COMMISSIONER OF THE MAINE DEPARTMENT OF AGRICULTURE,
CONSERVATION AND FORESTRY

By:  Date: 5/10/24
Amanda Beal

APPROVED:

By:  Date: 5/14/24
Carey Gustanski, Assistant Attorney General