STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
MAINE STATE HARNESS RACING COMMISSION

In re:	)	
	)	
Sherman Clary Jr.	)	CONSENT AGREEMENT
	)	
	)	
	)	
Complaint Number 2026-MSHRC-16	)	
	)	

PARTIES

This document is a Consent Agreement regarding the Trainer License of Sherman Clary Jr. ("Trainer Licensee"). It is entered into between the Trainer Licensee, the Maine State Harness Racing Commission ("the Commission") and the Office of the Maine Attorney General ("Attorney General"). It is entered into pursuant to 8 M.R.S. § 279-B, and 01-017 C.M.R. Chapter 17.

STATEMENT OF FACTS

1. Trainer Licensee is so licensed by the Commission pursuant to 01-017 C.M.R. Ch. 1, Section 10, license number 12045.

2. Trainer Licensees licensed by the Commission are responsible for the condition of the horses they train pursuant to 01-017 C.M.R. Ch. 11, Section 1 and 2.

3. The Commission is authorized under 8 M.R.S. § 279-B, upon notice and hearing, to levy a fine, levy a suspension, disqualify a horse, and require the return of any purse won by a horse if is found to have carried in its body either a prohibited substance or an exceedance of an allowable level of a permitted medication during any race licensed by the Commission.

4. Trainer Licensee was on record with the Commission as the trainer of the horse "Seriously Feared" on August 30, 2026.

5. Seriously Feared finished First in the 7th Race at the Windsor Fair in Windsor, Maine on August 30, 2026.

6. Trazodone is a prohibited medication.

7. A blood sample taken from Seriously Feared after the 7th Race on August 30, 2026 disclosed trazodone in the blood.

8. One of Trainer Licensee's horses that was stabled in the same barn as Seriously Feared, in an adjacent stall, was prescribed trazadone due to a recent surgery. The trazadone was administered to the other horse via medicated feed and water.

9. Seriously Feared was mistakenly fed and/or watered with the medicated feed and/or water.

10. The level of trazadone present in Seriously Feared blood sample was a low amount.

11. Trainer Licensee has had no other positive test violations in his decades as a trainer.

12. The Commission considered the above mitigating facts when offering the discipline contained in this consent agreement.

DISCIPLINARY COVENANTS

In order to fully resolve this matter without a formal adjudicatory hearing, it is hereby agreed that:

13. Trainer Licensee admits to the facts as stated above.

14. Trainer Licensee admits that Trazodone was found in the blood.

15. Trainer Licensee admits that Trazodone was in the blood of Seriously Feared while racing during a licensed meet constitutes a violation of 01-017 C.M.R. Chapter 11.

16. Pursuant to 01-017 C.M.R. ch. 11, presence of Trazodone is considered a Class 2 drug corresponding to a Class A penalty pursuant to 01-017 C.M.R. Chapter 17.

17. Trainer Licensee admits that the violation admitted herein constitutes a violation carrying a Class A penalty.

18. As discipline for the conduct admitted to in the paragraphs above, Trainer Licensee agrees to accept the following DISCIPLINARY ACTION:

    A. A fine in the amount of $250.00 and a 10 day suspension for violation of 01-017 C.M.R. Ch. 11 §§ 1(2)(A), (3)(B) and 2(3), by the presence of a prohibited substance in Seriously Feared. Payment shall be made five (5) days from the last dated signature on this Consent Agreement and made payable to Treasurer, State of Maine.

    B. The return of the purse winnings for the violation which was, in this case, $2,250.00. Such return of purse monies shall be made no later than five (5) days from the last dated signature on this Consent Agreement.

    C. Should Trainer Licensee fail to return the $2,250.00 purse winnings and pay the $250.00 fine with in five (5) days from the last dated signature on this Consent Agreement, Trainer Licensee agrees to the immediate, automatic, indefinite suspension of his licenses until the $2,250.00 purse winnings are returned and the $250.00 fine are paid in full.

FURTHER CONVENANTS

19. Trainer Licensee agrees that the Commission has regulatory authority over the activities described herein.

20. Entering into this Consent Agreement is fully voluntary. Trainer Licensee understands that instead of entering into this consent agreement, he can exercise his right to an adjudicatory hearing before any violations are found and penalties imposed.

21. Trainer Licensee expressly waives:

    a. Notice of or opportunity for hearing

    b. Any and all further procedural steps before the Commission;

    c. The making of any further findings of fact before the Commission; and

    d. The right to appeal this Agreement.

22. Violation of any of the terms or conditions of this Consent Agreement by Trainer Licensee shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure, the denial of licensure or re-licensure, and the imposition of civil penalties.

23. The Commission and the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.

24. The Commission and Trainer Licensee agree that no further Commission action will be initiated against Trainer Licensee's license by the Commission based upon the specific violations admitted to herein, except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Commission may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Trainer Licensee and this Consent Agreement will be admitted into evidence in any future hearing involving Trainer Licensee. The Commission may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Trainer Licensee.

25. The parties agree that this Consent Agreement may be signed in counterparts, and all counterparts together constitute one original instrument. Signatures below may be applied and/or saved electronically, with such electronic signatures and this entire document being saved electronically and given the same effect as a paper document signed in ink.

26. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

27. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

28. This Consent Agreement is not appealable and is effective until modified in writing or terminated by the parties hereto.

29. The effective date of this Consent Agreement shall be the date of the last necessary signature date of the fully executed Consent Agreement from the Commission.

30. Trainer Licensee acknowledges by his signature hereto that it has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executes this Consent Agreement voluntarily, and that he agrees to abide by all terms and conditions set forth herein.

I, SHERMAN CLARY JR., 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.

SHERMAN CLARY JR.

By: Sherman Clary Date: 10/5/24

MAINE STATE HARNESS RACING COMMISSION

By: [signature] Date: 11/17/2020
Harry B. Center II, Maine State Harness Racing Commission, Chair

OFFICE OF THE MAINE ATTORNEY GENERAL:

By: [signature] Date: 11/17/2020
Kathryn Horst, Assistant Attorney General