

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

In re:)
)
KARL BUTTERFIELD) **CONSENT AGREEMENT**
)
Complaint Numbers 2024-)
MSHRC-03; 04; 05; 07; 08; 09; 12;)
13; 15; 16; 17; 24)

PARTIES

This document is a Consent Agreement regarding the Driver/Trainer License of Karl Butterfield ("Licensee"). It is entered into between the 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. Licensee is so licensed by the Commission pursuant to 01-017 C.M.R. Ch. 1, Section 10, license number 21323.
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(3).

Positive Tests

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. Licensee was on record with the Commission as the trainer of each horse listed in Attachment A to this agreement on the date each horse raced as reflected in the same Attachment.
5. Attachment A accurately reflects the date and number of each race, where the race occurred, the horse that raced, the finish of each horse, and the purse the horse won for the each race.
6. Dexamethasone is a therapeutic medication. The maximum allowable urine and/or blood concentration of dexamethasone for a horse on a day for which it is scheduled to race is 5 picograms per milliliter of plasma or serum.

7. Glycopyrrolate is a therapeutic medication. The maximum allowable urine and/or blood concentration of glycopyrrolate for a horse on a day for which it is scheduled to race is 3 picograms per milliliter of plasma or serum.
8. Attachment A accurately reflects the analyzed level of glycopyrrolate and/or dexamethasone in each horse's blood sample which was taken after each race. All analyzed levels showed elevated levels of glycopyrrolate and/or dexamethasone exceeding the regulatory threshold as reflected in Attachment A.
9. Attachment A is incorporated into this Consent Agreement.

Bangor Raceway Threats

10. The Commission is authorized under 8 M.R.S. § 279-B, upon notice and hearing, to establish a schedule for fines and suspensions, and to levy fines and suspensions, for each violation of 8 M.R.S. Chapter 11 or the Commission's Rules.
11. On July 17, 2024, the Bangor Raceway held 12 races. Bangor Raceway is a licensed Association.
12. After the races on July 17, 2024, Mr. Butterfield entered the driver's lounge area of the Bangor Raceway, where another driver, Walter Case Jr., was present. Mr. Butterfield accused Mr. Case of parking a horse that Mr. Butterfield trained in the last race. Mr. Butterfield yelled at Mr. Case that he was going to punch his teeth in or knock his teeth out.
13. Kevin Switzer, another driver, was also in the driver's lounge and told Mr. Butterfield to leave Mr. Case alone. Mr. Butterfield responded that he would fight both Mr. Switzer and Mr. Case outside. At this point, both Mr. Case and Mr. Switzer left the driver's lounge.

DISCIPLINARY COVENANTS

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

14. Licensee admits to the facts as stated above.
15. Licensee admits that the elevated levels of glycopyrrolate and dexamethasone as reflected in Attachment A exceed the regulatory thresholds for each therapeutic medication permitted by Chapter 11, § 4.
16. Licensee admits that the elevated levels of glycopyrrolate and dexamethasone in the horses listed in Attachment A while racing during licensed meets constitute violations of 01-017 C.M.R. Chapter 11.

17. Pursuant to 01-017 C.M.R. ch. 11, elevated levels of glycopyrrolate and dexamethasone are considered Class 4 drugs corresponding to Class C penalties pursuant to 01-017 C.M.R. Chapter 17.
18. Licensee admits to violating Chapter 7 § 62(4), for engaging in conduct and using language that is threatening against other racing participants on the grounds of a licensed Association on a race day;
19. Licensee admits to violating Chapter 7 § 62(4), for engaging in conduct and using language that is threatening against other racing participants on the grounds of a licensed Association on a race day;
20. Pursuant to 01-017 C.M.R. Chapter 7 § 62, it is a Level 2 violation to engage in the conduct described in that section.
21. Chapter 17, § 4(2) is the penalty schedule for Level 2 violations.
22. As discipline for the conduct admitted to in the paragraphs above, Licensee agrees to accept the following DISCIPLINARY ACTION:
 - A. A fine in the amount of \$1,500.00.¹ Payment shall be made no later than 150 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 violations which were, in these cases, \$25,250.00. Such return of purse monies shall be made no later than twenty (20) days from the last dated signature on this Consent Agreement; and
 - C. A full suspension for six months,² which began on July 23, 2024.
 - D. Should Licensee fail to return the \$25,250.00 purse winnings and pay the \$1,500.00 fine within (20) days from the last dated signature on this Consent Agreement, Licensee agrees to the immediate, automatic, indefinite suspension of his licenses until the \$25,250.00 purse winnings are returned and the \$1,500 fine are paid in full.
23. Licensee agrees that the Commission has regulatory authority over the activities described herein.
24. Entering into this Consent Agreement is fully voluntary. 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.

¹ The \$1,500 fine represents \$1,000 for the positive test violations and \$500 for the Bangor Raceway threat violations.

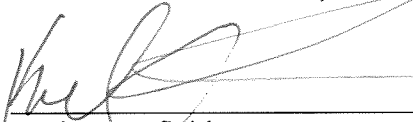
² The six-month suspension represents 2 months for the positive test violations and 4 months for the Bangor Raceway threat violations. Mr. Butterfield's suspension began on July 23, 2024 and the six month suspension begins at that date.

25. 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.
26. Violation of any of the terms or conditions of this Consent Agreement by 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.
27. The Commission and the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.
28. The Commission and Licensee agree that no further Commission action will be initiated against 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 Licensee and this Consent Agreement will be admitted into evidence in any future hearing involving 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 Licensee.
29. 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.
30. 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.
31. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
32. This Consent Agreement is not appealable and is effective until modified in writing or terminated by the parties hereto.
33. 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.

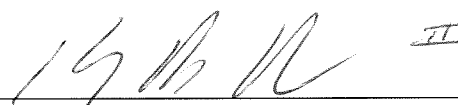
34. Licensee agrees that this Consent Agreement may be introduced into evidence at any future adjudicatory hearing involving Licensee. The Commission may also consider the fact that discipline was imposed by this Consent Agreement in determining the appropriate discipline in any further complaints against Licensee.
35. Licensee acknowledges by his signature that he 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, KARL BUTTERFIELD, 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.

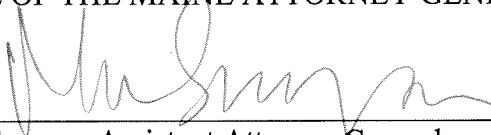
KARL BUTTERFIELD, LICENSEE


_____ Date: August 20, 2024
Karl Butterfield

MAINE STATE HARNESS RACING COMMISSION

By:  _____ Date: August 20, 2024
Chair Harry B. Center, II,

OFFICE OF THE MAINE ATTORNEY GENERAL

By:  _____ Date: August 20, 2024
Nicole Sawyer, Assistant Attorney General