

# whoa hio

## rulebook

USDA CERTIFIED

HORSE INDUSTRY ORGANIZATION

2013

# WHOA-HIO

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# WHOA HIO

## INTRODUCTION

The WHOA Horse Industry Organization (WHOA-HIO) was established and certified by the United States Department of Agriculture in April, 2010. The WHOA-HIO was formed for the purpose of (1) creating, maintaining, and enhancing the methodology for teaching and fostering the prevention of the soring and cruelty to horses being shown, sold or exhibited; (2) facilitating the taking of lawful available action for the enforcement of laws and regulations relating to or in any way affecting horses being shown, sold, or exhibited; (3) working to achieve compliance with, and enforcement of, the Horse Protection Act (hereinafter "HPA"), the Horse Protection Regulations, and industry rules and regulations through the operation of the certified Designated Qualified Person (DQP) program; (4) providing a meaningful forum for discussion and resolution of issues related to horse shows, sales, and exhibitions. The WHOA-HIO is independent of the Walking Horse Owners Association of America, Inc.

The WHOA-HIO Rulebook was established as the official rulebook for all WHOA-HIO affiliated events. It contains all of the rules and regulations affecting WHOA-HIO affiliated shows, sales, and exhibitions. The rulebook will be subject to modification as a result of any written agreement with the USDA, or upon addition, deletion, or modification by the WHOA-HIO Board of Directors. Any addition, deletion, or modification will become effective on the first day of January next following its adoption and it will remain inviolate for a period of one year. However, if the HIO BODs finds an immediate addition, deletion, or modification to be of paramount importance, the BODs may take such action as it deems appropriate. It is virtually impossible to cover all eventualities in the formation of rules and regulations to govern any working organization, therefore, the HIO BODs has the ultimate responsibility of interpreting the meaning and intent of these Rules, and its decision will be final.

Any rule change will be published in the breed publications and at [walkinghorseowners.com/whoahio.htm](http://walkinghorseowners.com/whoahio.htm). However, it is the responsibility of each owner, trainer, breeder, and exhibitor to know the Rules of the WHOA-HIO Rulebook. Therefore, each should check the website or call the WHOA-HIO office on a periodic basis to ascertain whether or not there have been any Rule changes which may affect them.

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# **WHOA-HIO**

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## **NOTICE**

Horses are inspected for compliance with the federal Horse Protection Act (HPA or Act) at horse shows, exhibitions, auctions and sales by APHIS Veterinary Medical Officers (VMOs) and Designated Qualified Persons (DQPs) licensed by Horse Industry Organizations (HIOs) that are certified by the USDA.

The material in this rulebook is derived from both the Act and the Regulations. Nothing in this rulebook is intended to replace or supersede any provisions contained in those documents. If a conflict arises between anything contained in this rulebook and any requirements or provisions found in the Act or Regulations, the terms contained in the latter are to be relied upon as the more authoritative documents.

## **I. AFFILIATION**

### **A. PROCEDURES FOR AFFILIATING AND REPORTING HORSE SHOW, SALE, OR EXHIBITION**

1. Any person, organization, or entity desiring to affiliate its horse show, sale, or exhibition as a WHOA-HIO (also hereinafter referred to as "HIO") event may apply to WHOA-HIO to do so. The person, organization, or entity, must agree to abide by the WHOA-HIO Rulebook, use only WHOA-HIO certified DQP's, and collect the applicable inspection fees.

2. Upon the WHOA-HIO's receipt of an application or inquiry, an official application form and all necessary information to properly affiliate will be promptly forwarded to the person, organization, or entity applying or inquiring.

3. Upon the WHOA-HIO's receipt of an official application, including all required fees, the WHOA-HIO will review the application and if deemed appropriate, will affiliate the show, sale or exhibition, and forward a copy of the WHOA-HIO Rulebook together with the necessary forms, all of which as required. The failure of a show, sale or exhibition to use the official entry forms and obtain signatures on the written certification on every one of those forms, or to print the required written certification and obtain signatures on every entry form of their own, will constitute a violation and render the show, sale, or exhibition liable to penalty, and shall constitute an agreement by the show, sale, or exhibition, to hold WHOA-HIO, and the HIO Committee, harmless from any loss resulting from the failure to obtain signatures on the written certification.

4. To allow sufficient time to process the application, it should be made at least 30 days prior to the show, sale, or exhibition.

5. Upon affiliation, show, sale, or exhibition management will be responsible for ensuring that all participants agree to abide by and be subject to the WHOA-HIO Rulebook.

6. Within 15 days after the show, sale, or exhibition, management will furnish the WHOA-HIO with payment of all inspection fees in accordance with the schedule provided in the informational materials forwarded by the WHOA-HIO and a copy of any show program or listing of classes or the sale catalog. A copy of each class or sale sheet containing the names, registration numbers, and placing of entries; the names, license numbers or show card numbers, and addresses, including street address, post office box, and ZIP Code, of horse owners, horse trainers, and horse exhibitors; the exhibitor number and class number, or sale number assigned to each entry; the show class or sale lot number; and the name and address, including street address, post office box, and Zip Code, of the person paying the entry fee and entering the horse in a horse show, sale, or exhibition as well as any judges' cards.

7. This HIO is required by the Horse Protection Act (HPA) and its regulations, as amended, to require a minimum of two DQPs for an event where there are/will be 150 entries or more.

8. For the purposes of these rules the term "event" will be defined to mean any horse show, sale or exhibition.

9. For the purpose of these rules the term "sore" will be defined as in the HPA Regulations as follows:

Sore when used to describe a horse means:

- (a.) An irritating or blistering agent has been applied, internally or externally by a person to any limb of a horse,
- (b.) Any burn, cut, or laceration has been inflicted by a person on any limb of a horse,
- (c.) Any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or
- (d.) Any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.

## **II. DESIGNATED QUALIFIED PERSONS (DQP)**

### **A. LICENSING PROCESS**

All DQP's are certified by the WHOA-HIO.

### **B. DUTIES OF A CERTIFIED DQP**

1. To protect the interests of show, sale or exhibition management's pursuit of enforcing the HPA and the WHOA-HIO Rulebook.
2. To report to show, sale, or exhibition management, any offense or violation of the HPA or the WHOA-HIO Rulebook that apply to the inspection process and file a complaint against the violator.
3. To inform the Trainer, Owner of Record and Exhibitor of the violations found as set forth by these rules. The Trainer, Owner of Record, Exhibitor will be requested to sign the ticket in the designated area and may receive a copy of the ticket.
4. To inform the Trainer, Owner of Record and Exhibitor that they have a right to appeal the findings of the DQP and may request a hearing before the WHOA-HIO.
5. To appear upon the request of the Hearing Committee at any and all hearings involving the DQP.
6. To transmit to the WHOA-HIO the following information:
  - (a.) Class sheets on every class inspected.
  - (b.) A total number of the entries inspected at each show, sale or exhibition.
  - (c.) A written report of any offense or violation of the HPA or the WHOA-HIO Rulebook at any show, sale, or exhibition where the DQP inspection took place.

- (d.) A written report if there were no violations found at any show, sale, or exhibition where the DQP performed inspections.
- (e.) A copy of the class sheet, premium list, catalog or program for each show, sale or exhibition.
- (f.) All DQP reports must be filed with the WHOA-HIO within seventy-two hours (72) of the completion of any show, sale or exhibition. Failure to timely submit reports by a DQP will result in loss of DQP license.

#### C. STANDARDS OF CONDUCT - WHOA-HIO CERTIFIED DQP

1. A DQP will not serve in the capacity of any show, sale, or exhibition official, manager or employee at which he has been appointed to inspect.
2. A DQP will not exhibit any horse at any show, sale or exhibition, or sell, auction, or purchase any horse sold at a sale or auction, at which he has been appointed to inspect horses.
3. A DQP will not inspect horses at any show, sale or exhibition where a horse owned by a member of the DQP's immediate family or the DQP's employer are competing or are offered for sale.
4. A DQP must report any attempt to improperly influence his actions during the inspection process or in the fulfillment of his duties.
5. A DQP will not inspect horses trained, owned, or shod by any persons with whom he has acted in the capacity of agent, or has collected a commission as the result of a sale within sixty (60) days prior to the show, sale or exhibition, specifically excluding those horses that are purchased at a public auction where the DQP was the auction manager or owner.
6. A DQP will conduct himself in a professional manner at all times. He will use discretion in handling matters in public, and exhibit a positive and friendly attitude.
7. A DQP will avoid any conduct that gives rise to the appearance of an impropriety.
8. Failure of a DQP, without due cause, to attend the show, sale, or exhibition or perform his duties in accordance with the HPA or WHOA-HIO Rulebook will constitute cause for dismissal.
9. A DQP will be assigned by the Director of DQP/Animal Welfare.
10. A DQP will not provide advisory opinions as an expert.

#### D. AUTHORITY AND RESPONSIBILITIES OF A WHOA-HIO CERTIFIED DQP

1. A DQP is required to understand and review all rules in the HPA and the Regulations, the current Operating Plan, as well as, the WHOA-HIO Rulebook and shall keep an updated copy of all at shows, sales or exhibitions where he officiates.



2. A DQP has no authority in the management or the judging of a show, sale or exhibition. He should keep himself available to judges, exhibitors and management at all times to investigate any situation where the HPA and its regulations or the WHOA-HIO Rulebook is not upheld.
3. A DQP has the authority and will disqualify from a show, sale, or exhibition any horse found to be in violation of the HPA, its Regulations and the WHOA-HIO Rulebook. The decision of a DQP when weighing an action device including fasteners at a show, sale or exhibition will be final.
4. The DQP has jurisdiction and authority over all horses when they are brought upon the show, sale, or exhibition grounds.
5. In conducting both pre- and post-show inspections, the DQP will rely on the HPA and its regulations, the current Operating Plan and the WHOA-HIO Rulebook guidelines.
6. If at shows, sales, or exhibitions using both a veterinarian and a DQP, an entry is declared ineligible to show by either one, the entry will not be allowed to show, sell, or exhibit.
7. A DQP will have a set of scales and a measuring device at the show, sale, or exhibition in order to conduct his examinations should they be needed. All scales must be calibrated prior to the show, sale or exhibition.

**E. DQP INSPECTIONS (ADDENDUM: USDA Points of Emphasis will prevail, see attached)**

1. The only persons allowed in the DQP inspection areas are the horse handler, the assigned DQPs, DQP Apprentices which are apprenticing at that event, USDA/APHIS personnel, any other persons with legal authority as set forth by APHIS and the Horse Protection Act and its regulations as amended or approved by the DQP or the USDA.
2. The exhibitor/rider must be dismounted, during inspection of the horse.
3. The DQP will inspect horses no more than three classes ahead of the time the inspected horses are to be shown, when the event has 150 entries or more.
4. The DQP will inspect horses no more than two classes ahead of the time the inspected horses are to be shown, when the event has less than 150 entries.
5. Inspected horses will be held in a designated area that is under the observation of the DQP or APHIS representative.
6. Horses will not be permitted to leave the designated area after they have been inspected and before showing. Horses leaving the designated holding area after being inspected and prior to exhibition, showing or sale, will be subject to re-inspection.
7. Only the horse, the rider, the groom, the trainer, the DQP's and USDA representatives shall be allowed in the designated holding area.

8. The DQP will observe and inspect all horses for compliance with the Horse Protection Act and its regulations as amended and the rules of this WHOA-HIO.
9. All action devices may be weighed; all pads may be measured to determine if they are in compliance with the Horse Protection Act and its regulations as amended.
10. The DQP will instruct the custodian of the horse to hold the reins no less than 18 inches from the shank of the bit.
11. The DQP will not be required to examine a horse, if it is presented in a manner that might cause the horse not to react to a DQPs examination, or is unruly and dangerous to the DQP and/or persons in the area.
12. All incidents that are not in compliance with the Horse Protection Act, and its regulations and the rules of this WHOA-HIO are to be reported to the event management and in writing to this HIO on a numbered ticket provided by the WHOA-HIO.
13. The DQP may carry out additional inspection procedures, as he/she deems necessary, to determine whether the horse is in compliance with the Horse Protection Act and its regulations as amended and the rules of this WHOA-HIO.
14. The DQP will not take an unreasonable amount of time to perform the inspection procedures.
15. Once the class is over, the first place horse must return to the DQP area for post show inspection immediately upon leaving the event ring/arena.
16. The DQP may request that any horse report to the inspection area for inspection, post show or event.
17. The DQP has the right to inspect all breeds of horses and any records pertaining to such horses that enter the event, for the purpose of enforcing the Horse Protection Act and its regulations as amended and the rules of this WHOA-HIO.
18. All DQPs are responsible for maintaining of records in accordance with the Horse Protection Act and its regulations as amended and as set forth by the rules of this WHOA-HIO.
19. The monitoring of horses may include any horse that is stabled, loaded on a trailer, in the process of being loaded or unloaded, being prepared for the event or exercised, or that is on the grounds of, or present at any horse event.
20. The DQP may monitor such areas at various times during the time he/she is on the grounds officiating.
21. The DQP will not discriminate in the allocation of his time and will not deter from his primary duty of examining each horse prior to entry into the event, nor in any manner, delay the event, solely for the purpose of monitoring the above areas/activities.
22. In the case of large or multi day events, requiring or providing the stabling of horses, the DQP should arrive on the event grounds, no less than one hour prior to the events

scheduled starting time, for the purpose of monitoring the unloading, preparation, warm-up and barn areas. The DQP should continue to monitor these areas throughout the length of the event.

23. The DQP will be observant for the use of prohibited substances and is empowered to inspect leg wrappings, shipping boots, tack boxes, equipment and stabling areas for prohibited substances.

24. To examine horses in the barn, or unloading areas, for compliance with the Horse Protection Act and its regulations, as amended, and the rules of this WHOA-HIO, the DQP may require the custodian of the horse to lead the horse out of the barn to an inspection area and to remove any items the DQP deems necessary to remove to facilitate a thorough inspection and this may include the shoes. The expense for the removal and/or replacement of any items, required for proper inspection, will be assumed by the owner of the horse.

25. For the purpose of examining those horses showing signs of soreness, while in the preparation area, warm-up arenas, or other such areas, the DQP may require the custodian of the horse to bring the horse directly to the inspection area for the purpose of examining the horse for compliance with the Horse Protection Act and its regulations, as amended, and the rules of this WHOA-HIO.

26. DQP has the authority to require the removal of all hoof coatings that may disguise the amount of acrylic used for hoof repair.

## F. DQP INSPECTION GUIDELINES

### 1. General.

The HPA provides that the term “sore” when used to describe a horse means that:

- (a) an irritating or blistering agent has been applied, internally or externally, by a person to any limb of a horse,
- (b) any burn, cut, or laceration has been inflicted by a person on any limb of a horse,
- (c) any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or
- (d) any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice such horse suffers, or can reasonably be expected to suffer physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.

During the inspection, the DQP shall instruct the custodian of the horse to control it by holding the reins approximately eighteen (18) inches from the bit shank. The DQP will not be required to examine a horse if it is presented in a manner that might cause the horse not to react to an inspector’s examination, or if whips, cigarette smoke, or other

actions or paraphernalia are used to distract a horse during examination. All such incidents will be reported to the show management and the HIO Committee. The DQP may carry out additional repetitive inspection procedures as he deems necessary to determine if a horse is in compliance with the Horse Protection Act and Regulations. Any such repetitive inspection shall be done as expeditiously as possible, in consideration of the individual horse as well as the flow of traffic through the inspection station.

The DQP will inspect entries no more than three (3) classes ahead of the time the inspected horses are to be shown, except that, in shows with fewer than one hundred fifty (150) horses, the DQP will inspect horses no more than two (2) classes ahead of the time the inspected horses are to be shown.

Inspected horses will be held in a designated area that is under observation of the DQP. Horses will not be permitted to leave the designated area before showing. Only the horse, the rider, the groom, the trainer, the DQP's and USDA representatives shall be allowed in the designated area.

Each DQP examination will include:

1. Examination of Locomotion.

During the inspection, the DQP will direct the custodian of the horse to lead, walk and turn the horse around 2 cones in a figure-eight pattern in a manner that allows the DQP to determine whether the horse suffers, or can reasonably be expected to suffer physical pain or distress, inflammation, or lameness, when walking, trotting or otherwise moving. During the locomotion component of the inspection, the DQP will observe the horse's appearance for indications of pain.

2. Examination of General Appearance.

At all times during the inspection, the DQP will observe the entire horse's appearance to determine whether the horse suffers, or can reasonably be expected to suffer physical pain or distress, inflammation, or lameness, when walking, trotting or otherwise moving. Observable indications of pain may appear while the horse is at rest, during locomotion, and during physical examination. Such indications may include: changes in the depth and rate of respiration, excessive perspiration on the skin and hair coat, abnormal reactions of the eyes and ears, abnormal stance, tucking of the flanks and flexing of abdominal muscles, stepping forward with the rear limbs while the front limbs remain lightly planted, tossing of the head to maintain balance, and the overall demeanor and temperament of the horse. The DQP will look for evidence of prohibited substances, and prohibited or non-compliant paraphernalia or devices.

3. Visual and Physical Examination of the Legs.

The DQP will conduct a physical examination of the horse as required by the HPA and the Regulations. This examination will include, but not be limited to digital palpation procedure, examination for evidence of scar rule violations, evidence of prohibited substances, and prohibited or non-compliant paraphernalia or devices.

The DQP will digitally palpate the front limbs from knee to hoof, with particular emphasis on the pasterns and fetlocks, as described in the applicable Regulations. During the digital palpation procedure, the DQP will describe and document any

consistent and reproducible (non-random) limb withdrawal. In the event that there is a reaction to digital palpation of any area, the DQP should allow the horse to calm itself and become accustomed to general palpation before returning to the specific area, which may allow the discrimination between pain and non-pain responses. While continuing to hold onto the pastern, the DQP shall extend the foot and leg of the horse to examine the front (extensor) surfaces, including the coronary band, in the same manner as the posterior (flexor) surface.

If more than one inspector examines the same horse, then each examination shall include a full examination of the horse's movement, appearance and physical examination.

#### 4. Technical Requirements.

All action devices, pads, and other equipment shall be observed and examined to assure that they are in compliance with USDA Regulations and WHOA-HIO Rulebook. All such equipment on horses examined post-show, and on horses examined pre-show that is not clearly in compliance, shall be weighed and/or measured.

The USDA Regulations and WHOA-HIO Rulebook also prohibit exhibitors from shoeing or trimming a horse's hoof in a way that would be reasonably likely to cause the horse to suffer pain or distress, inflammation, or lameness when it moves. If an inspector suspects such a shoeing technique, or suspects that there is a tack, screw, nail or other device or substance (other than acceptable hoof packing) under the horse's shoes or pads, the inspector is authorized to direct the horse's custodian to remove the shoes or pads, or both, to allow further examination of the foot.

#### 5. Scar Rule Compliance.

During their examinations, the DQP shall also look for and note any evidence of a violation of the "Scar Rule" (9 C.F.R. §11.3). The Scar Rule applies to all horses born after October 1, 1975.

**Definitions.** For purposes of the Scar Rule, the following definitions are used:

**Anterior.** The anterior area covers approximately the front 25 percent of the pastern. The anterior surface is bordered by two parallel lines that extend downward from the bony prominences on either side of the end of the cannon bone at the fetlock joint to the foot, as divided approximately into equal quarters.

**Bilateral Granuloma.** A tumor-like mass, nodule or swollen area of granulation tissue (proud flesh or focal lesions) that occur on both legs, usually as a result of chronic inflammation.

**Bilateral Evidence Of Abuse Indicative Of Soring.** Evidence of intentional injury inflicted to both front and/or rear pasterns.

**Edema.** Collection of fluid within tissue. Localized edema is considered a violation. Localized edema is the collection of fluids within tissue causing swelling, pain, and/or loss of function in or near the areas where chemical or physical trauma has occurred. In contrast, generalized edema is not considered a violation. Generalized edema involves a greater portion of the extremity caused by such items as tight bandages or injuries above the pastern resulting in fluids gravitating to the pastern area.

**Excessive Loss of Hair.** Areas of thinned hair and/or bare skin that are indicative of soring that may result from repetitive friction and/or pressure, and that may cause permanent injury to hair follicles.

**Irritation.** The early stage of inflammation resulting from a reaction of the skin to abnormal chemical or physical applications.

**Lateral.** The lateral area approximately covers 25 percent of the pastern. It is the outer surface located between the boundaries of the anterior and posterior surfaces as defined in this section.

**Medial.** The medial area approximately covers 25 percent of the pastern. It is the inner surface located between the boundaries of the anterior and posterior surfaces as defined in this section.

**Moisture.** This includes serum, pus or blood, and can be a direct flow and/or oozing of these fluids out through the skin.

**Neurovascular Groove.** The anatomical lines of demarcation between the medial or lateral and posterior surfaces of the pastern are those parallel lines extending downward in front of the flexor tendon bundle along the depression or groove occupied by the neurovascular bundle which intersects with the angles of the hoof wall and includes the bulbs of the hoof. This neurovascular groove or bundle is anatomically located totally within the medial and lateral surfaces.

**Other bilateral pathological evidence of inflammation.** Pain, heat, redness, swelling, serum or pus, or loss of function in both front pasterns are indications of inflammation. Inflammation results when, in response to an injury or destruction of tissue, the body attempts to dilute or wall off the injurious agent and the injured tissue. Inflammation can be acute or chronic and may result in permanent tissue damage (for example, scarring).

**Other Evidence Of Inflammation.** These may include without limitation pain, heat, redness, swelling, or loss of function.

**Pastern.** The part of the leg of a horse that lies between the fetlock joint and the hoof.

**Posterior.** The posterior area approximately covers the rear 25 percent of the pastern. The posterior surface is bordered by two parallel lines that extend downward along the palpable borders in front of the flexor tendon bundle to intersect with the angles of the hoof lateral and medial, for purposes of enforcing the HPA pursuant to this Plan, the posterior area is deemed to include the rear 35 percent of the pastern as designated in the Scar Rule Chart. This 35 percent area is not considered to be an approximation.

**Proliferating Granuloma Tissue.** Excessive growth of masses of tissue (proud flesh) that is usually the result of the body's unsuccessful attempts to repair tissues that are injured and/or infected. The proliferating granuloma can create wart-like growths and/or abnormal thickening where the skin is corrugated, ridged or thrown into clusters of exuberant growth (proud flesh).

**Uniformly Thickened Epithelial Tissue.** A uniform or even thickening of skin that retains its smoothness, such as in a callous or corn, and is free of all signs of inflammation.

#### Scar Rule Prohibitions

- a. Anterior, Medial and Lateral Surfaces. The anterior, medial and lateral surfaces of the pasterns of both front feet must be free of bilateral granulomas, other bilateral pathological evidence of inflammation, or bilateral evidence of abuse indicative of soring, including, but not limited to, excessive loss of hair.
- b. Posterior Surfaces. The posterior surfaces of the pasterns of the front feet, including the sulcus or "pocket" may show bilateral areas of

uniformly thickened epithelial tissue if such areas are free of proliferating granuloma tissue, irritation, moisture, localized edema, or other evidence of inflammation such as pain, heat, redness, swelling, or loss of function.

**Determining The Boundaries Of The Posterior Area.**

There is no major anatomical landmark on the pastern that easily defines the demarcation of the posterior surfaces from the medial and lateral surfaces. This section explains how the USDA will determine the demarcation of the posterior surface for purposes of the HPA. The pastern is a three-dimensional anatomical structure. It is divided into four equal quarters: the front (anterior), the inside (medial) the outside (lateral), and the back (posterior). Each of these four surfaces comprises approximately one-quarter, or 25 percent, of the circumference.

The VMO or DQP may use either the "Flattened Hand" or the "Neurovascular Groove" method (described below) to measure the posterior surface of the pastern. If, by using one or the other of these methods, the VMO and DQP are able to easily determine, and agree, whether the horse is or is not in compliance with the Scar Rule criteria, then they may proceed to document their findings. If, by using these screening methods, the VMO and the DQP cannot easily determine the boundaries of the posterior surface, or if a dispute arises as to whether the horse is in compliance with the Scar Rule, then the VMO (or the DQP if there is no VMO at the event) shall measure the circumference of the horse's pastern, and determine the location of the boundary between the posterior and the medial and the posterior and the lateral areas using the measurement chart. For purposes of this Plan, APHIS will consider the posterior area of the pastern to include 35 percent of the circumference of the pastern. This will allow for any margin of error.

- a. Flattened Hand Method. Place the flattened hand on the posterior aspect of the pastern. The area covered by the hand is the posterior surface, and the area visible on the sides of the pastern will be considered the medial and lateral surfaces.
- b. Neurovascular Groove (Bundle). The neurovascular groove or bundle is anatomically located totally within the medial and lateral surfaces. Since the palpation of the neurovascular groove or bundle is difficult in practice, the area's proper anatomical limits shall be defined for purposes of determining the anterior edge of the posterior surface by using the palpable posterior of the two pastern bones (long and short) and the adjacent palpable border of the flexor tendon bundle. This is done by placing the tip of the finger against the pastern bone with the fingernail against the bone. The opposite side of the finger (non-fingernail side) in most horses will be in close proximity to the anterior edge of the flexor tendon bundle, i.e., line of demarcation for the posterior surface. Any scar tissue covered by the finger is in violation.
- c. Measuring the Posterior. The posterior surface is determined by measuring the circumference of the pastern where the affected area is located. Using the midline of the posterior surface, which is half the distance between the bulbs of the heel, the actual posterior surface extends 12.5 percent of the circumference on either side of this the midline. To allow for a margin of error, APHIS will use 17.5 percent from the midline. The circumference measurement is multiplied by .175 to obtain the

distance from the posterior midline to the edge of the medial or lateral surfaces. The measurement chart can be used as a quick reference to determine this measurement.

The initials DQP in these rules applies throughout to recognized DQP. A recognized DQP is a licensed representative of show or sale or exhibition management.

### **III. RESTRICTIONS**

A. Artificial extension of the toe length, whether accomplished with pads, acrylics or any other material or combinations thereof, that exceeds 50% of the natural hoof length, as measured from the coronet band, at the center of the front pastern along the front of the hoof wall, to the distal portion of the hoof wall at the tip of the toe. The artificial extension will be measured from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle to the proximal (foot/hoof) surface of the shoe. Toe length will exceed the height of the heel by 1 inch or more. The length of the toe will be measured from the coronet band, at the center of the front pastern along the front of the hoof wall to the ground. The heel will be measured from the coronet band, at the most lateral portion of the rear pastern, at a 90 degree angle to the ground, not including normal caulks at the rear of a horseshoe, that do not exceed 3/4" inch in length. That portion of caulk at the rear of a horseshoe in excess of 3/4 of an inch will be added to the height of the heel in determining the heel/toe ratio.

B. No electrical or mechanical shocking device may be used while on the event grounds. There will be no "stewarding" of horses.

C. Boots or collar devices may be used on a horse's front pasterns. Such device must not have rigid, sharp or rough edges, and must not have seams on the top or bottom that are not covered with a soft roll, and must be closed and securely fastened with a keeper. Boots or collar devices may not exceed six (6) ounces in weight, except for soft rubber or soft leather bell boots and quarter boots that are used as protective devices.

A chain not to exceed six (6) ounces in weight (including fastener) may be used on a horse's front pasterns. A horse may carry link-type devices of different weights as long as a single device does not exceed the weight limit. Such action devices may not have twisted or double links and each link must be of the same size, configuration and weight. The action device may be fastened by a strap of soft leather, nylon, cotton or other similar material. When fastened, the ends of the links may not be more than three inches apart. The links and fastener will present a smooth surface to the horse. An action device must not touch the coronet band. Link-type action devices may not have loose ends or dropped links. More than one action device on any one limb of a horse is not permitted.

Plastic chains are not permitted.

Hardwood, stainless steel or aluminum rollers of uniform size, weight, and configuration, which are smooth and free of projections, protrusions, rust, corrosion or rough or sharp edges are permitted. Such rollers may not exceed six (6) ounces in weight, including the weight of the fastener.



D. Lubricants. All foreign substances are prohibited on the pastern area (above the hoof, but below the fetlock) of any horse being shown, exhibited, or offered for sale at any horse show, exhibition, or horse sale or auction, except glycerin, petrolatum, and mineral oil, or mixtures thereof. Any such lubricant is permitted to be applied only after the horse has been inspected by the DQP and may be applied only under the supervision of Show Management or his/her designee.

E. All action devices and lubricants on horses being brought to inspection are to be applied in the inspection area under the supervision of the DQP.

F. Prohibited Practices. The Regulations prohibit shoeing, trimming or using any method or device on a horse's hoof in a manner that causes such horse to suffer, or can reasonably be expected to cause such horse to suffer pain, distress, inflammation or lameness when walking, trotting or otherwise moving. This includes inserting a tack, screw, nail or other device or substance, other than acceptable hoof packing, between the horse's hoof and its shoe or pad. If a DQP suspects that a horse's hoof has been subjected to any such practice, the DQP may require the horse's custodian to remove the shoes, pads, or both, to allow further examination.

G. Metal hoof bands, such as the ones used to anchor pads and shoes are permitted, but they must be at least one half (1/2) inch below the coronet band.

H. Whips and/or cigarettes in the inspection area are prohibited.

I. Unnecessary physical abuse to a horse is unacceptable and will result in a warning and a report to event management.

J. Any person on suspension by the USDA or any USDA certified Horse Industry Organization, including this WHOA-HIO, cannot present a horse for inspection, show, warm-up, groom, transport a horse, or participate in any manner other than being a spectator in the stand at any event. Any person on suspension may not be in the barn areas, they will be restricted to the spectator area only, and may not coach, by any manner of communication, any trainer, owner, or exhibitor anytime during the show or exhibit. If found to be in violation of the above said individual will be ticketed.

K. The use of acrylic will be restricted to hoof repair on flat shod horses (with regard to this rule, a flat shod horse is defined as a horse that is not wearing any pad between the hoof surface and the shoe).

L. The use of plastic wrap on the legs of any horse arriving or while on the event grounds is prohibited.

M. Unruly horses: DQPs shall excuse any horse that is unruly or exhibits an unwillingness to submit to examination.

N. Stewarding: Custodians shall not act in any manner that may cause a false examination result, and shall not use any signal or device (including without limitation whips or cigarette smoke), to distract or steward a horse during examination. If the DQP observes such behavior, the DQP shall immediately excuse the horse and shall report the incident to show management and to the WHOA-HIO in writing. Additional Penalties (Rule V, Article C) may be prescribed at the discretion of the Director of DQP/Animal Welfare.

## IV. VIOLATIONS

A violation is any act committed at an affiliated event, prejudicial to the best interest of the WHOA-HIO, including but not limited to:

A. Violation of the rules of the WHOA-HIO Rulebook or Disqualification by Show management

B. Sore, sensitive, unsound or showing a pain response in one foot, two feet, pre or post show.

C. Scar Rule violations.

D. The following specific acts:

- (1.) Providing false information of any nature or kind to any show, sale or exhibition official or DQP.
- (2.) Acting or inciting or permitting any other to act in a manner contrary to the rules of the WHOA-HIO Rulebook, or in a manner deemed improper, unethical, dishonest, unsportsmanlike or intemperate, or prejudicial to the best interest of the HIO.
- (3.) Failing, as a DQP, to perform duties at a show in accordance with the WHOA-HIO Rulebook.
- (4.) Failing, as an exhibitor or his representative, to sign the entry blank of a show at which he competes.
- (5.) Physically assaulting any show, sale, exhibition or HIO official or treating a horse cruelly.
- (6.) Failing to obey any penalty imposed by the HIO in accordance with the WHOA-HIO Rulebook.
- (7.) Influencing or attempting to influence by any means or manner any DQP in determining the eligibility of any horse entering any class at any affiliated event.
- (8.) Inserting any object or material between the pad and the hoof other than acceptable hoof packing, which includes pine tar, oakum, live rubber, sponge rubber, silicone, commercial hoof packing or other substances used to maintain adequate frog pressure or sole consistency.
- (9.) Verbal or physical abuse directed to anyone representing the HIO Committee, show or sale management, judges, DQP, Director of DQP/Animal Welfare, USDA employees or directors, while functioning in any official capacity at, or pertaining to, any horse show, sale, or exhibition
- (10.) Showing or attempting to exhibit a horse while on suspension. Class will be re-tied.
- (11.) Showing or attempting to exhibit a horse that is on suspension. Class will be re-tied.
- (12.) Misrepresentation of a horse's identity, name, height, age, eligibility for the class, registered or recorded name, registration number, owner of record, or other information on any entry blank, or substitution in the show ring of any entry other than the one named for the class in question. This shall result in the exhibitor's forfeiture of any ribbon, trophy, cash prize and other award won by such misrepresented or substituted animal, and shall render the exhibitor liable for further penalty. The class will be re-tied.
- (13.) Voluntarily removing a horse from the ring without the permission of a judge, for which the exhibitor and all animals under his care and training may be disqualified from all future classes at that show by show management and caused to forfeit all prizes and entry fees for the entire show.
- (14.) Full Blinders of any type on the show grounds. Full Blinders of any type on a horse on the show grounds is a violation of rules.
- (15.) Skin cracked open (open lesions) one fore-foot. A horse that has skin cracked open or open lesions in the pastern area of one fore-foot is in violation of rules.
- (16.) Unacceptable horse (one limb). An unacceptable horse, one limb, is a horse that presents only an inconsistent non-repetitive response in one limb, but

nevertheless the response gives the DQP concern as to the soundness of that limb.

(17.) Unilateral Sore. The inspection procedure and criteria of a unilateral sore horse will not be different from the inspection procedure and criteria for the determination of a bilateral sore horse except that the findings are limited to one foot. There must be sufficient confirming indicia in at least two categories of the inspection procedure before a horse would be considered to be a unilateral sore horse.

(18.) Bilateral Sore. Any horse upon examination found to be a bilateral sore horse will not be permitted to show.

For an alleged violation to be sustained, the following will be required:

(a.) A thorough examination will be conducted pursuant to the guidelines for examination of horses.

(b.) An examination checklist will be completed, recording the findings and appropriate comments as a result of the examination provided for above.

(c.) At least two DQPs, if two are present, will conduct the examination, and their findings must concur.

(19.) Scar Rule. In accordance with the HPA, any horse foaled on or after October 1, 1975, is subject to the terms and conditions of the Scar Rule. (For the complete Scar Rule definition, please refer to the HPA.)

(20.) Pressure Shoeing. Horse shod or trimmed in such a manner that will cause such horse to suffer or can reasonably be expected to suffer pain, distress, inflammation or lameness when walking, trotting, or otherwise moving. Upon such violation the horse cannot show, and the Trainer, Owner and Exhibitor shall receive a suspension.

(21.) Fractious-Unruly Horse. Any horse that cannot be thoroughly inspected by the DQP in a manner to sufficiently determine compliance with the Horse Protection Act and industry rules and regulations shall be prohibited from showing or exhibiting, but shall not otherwise be penalized.

(22.) Whips. Any violation of the whip rule will result in a thirty (30) day suspension.

(23.) Any person found in violation of rules regarding remuneration of an amateur for exhibiting a horse shall be subject to penalties found in the Other Penalties Section of this rule book as determined by the WHOA-HIO.

(24.) Any person found in violation of rules governing Amateur Owned and Trained classes shall be subject to penalties found in the Other Penalties Section of this rule book as determined by the WHOA-HIO.

(25.) Any person found violating rules governing artificial marking or appliances shall be subject to penalties found in the Other Penalties Section of this rule book as determined by the WHOA-HIO.

(26.) Bad Image: Horse which does not lead freely to and from inspection, and about the show, sale, or exhibition ground. A horse which displays an excessive or exaggerated deviation from the normal Walking Horse gait.

(27.) Failure to have the horse inspected before entering the show or sale ring.

(28.) Failure to have horse inspected before being placed on exhibition.

(29.) Failure to report back to DQP immediately after a class if required or requested.

(30.) Heavy/Improper action device or devices, post show. Any action device not meeting the requirements set forth in Rule III, Article C is a violation of WHOA-HIO rules. The class will be re-tied.

(31.) Working a flat-shod horse on the show or sale grounds with any action devices.

- (32.) Removing the action devices on a horse being re-inspected before the DQP instructs you to do so.
- (33.) Working a horse on the show or sale grounds with more than one pair of action devices on the horse, or action devices in excess of the permitted weight or configuration.
- (34.) Illegal Shoeing - Post Show Shoeing not meeting the requirements set forth in Rule III, is a violation of WHOA-HIO rules. The class will be re-tied.

## **V. PENALTIES (ADDENDUM: Please see Penalty Protocol attached)**

All violations shall carry the fines and suspensions as found in the **Penalty Protocol** or as described further hereinafter. Any violation not described in the rulebook or not having an assigned penalty pursuant to the Penalty Protocol attached or as modified from time to time by WHOA-HIO shall be penalized at the discretion of WHOA-HIO in accordance with the procedures set forth herein, by a fine of not less than \$100.00 and /or by a suspension of not less than one (1) day and up to Life.

### **ADDITIONAL PENALTIES**

Additional penalties, not specifically covered in the Penalty Protocol, may be levied against any person, firm, or corporation deemed in violation of any rule or regulation of WHOA-HIO as follows:

1. Suspension from all Affiliated/Sanctioned Shows, sales or exhibitions for a period of not less than one (1) day and up to life.
2. Forfeiture of any prizes or premium won by an exhibitor who commits a violation.
3. Fine of not less than \$100.
4. Any suspended owner, exhibitor or trainer who receives a second or further penalty in the same year, may at the discretion of the Hearing Committee, have said penalties run consecutively and any additional penalty received while the trainer is on suspension will subject the trainer to additional penalties at the discretion of WHOA-HIO.
5. Probation: Probation for any period of time up to one year from the date of decision or, if suspension is levied, from the date the suspension is terminated. Probation shall be a time during which the conduct of the person is scrutinized carefully by WHOA-HIO and should violation be found against said person he is automatically suspended from all rights and privileges until the Hearing, without action of the Hearing Committee.
6. Immediate Suspension; WHOA-HIO may suspend immediately and indefinitely any exhibitor, trainer, manager, custodian, owner or other person for any offense that it deems detrimental, improper, unethical, dishonest, unsportsmanlike or intemperate, or prejudicial to the best interest of WHOA-HIO, the TWH Industry or for any other reason.

**Pressure Shoeing.** Horse shod or trimmed in such a manner that will cause such horse to suffer or can reasonably be expected to suffer pain, distress, inflammation or lameness when walking, trotting, or otherwise moving. Upon such violation the horse cannot show, and the Trainer, Owner and Exhibitor shall receive a suspension.

First Violation - LIFETIME SUSPENSION

Violations and penalties will be assessed at all shows, sales, and exhibitions affiliated or sanctioned by the WHOA-HIO.

## Horse Protection Penalty Protocol

USDA has established the following penalty structure for implementation by the HIO for enforcement of the HPA and HPR. The HIO may apply more stringent penalties but not less than minimum requirements set forth in the penalty structure.

- If an HIO imposes and enforces a penalty that USDA believes effectuates the purpose of the Act and the regulations, USDA will not initiate a Federal case against the violator.
- USDA may initiate a federal case against any persons who participated in the entry, showing and, if appropriate, transportation of a sore horse (including, for example, the owner, custodian, trainer, rider, and/or transporter), if it is determined that the HIO has not enforced a penalty that effectuates the purpose of the Act and the regulations.
- PLEASE NOTE:** USDA retains primary jurisdiction to pursue cases when it deems appropriate.

<u>SUSPENSIONS</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> Offense</u>
<b>Bilateral Sore</b>	<b>1 year</b>	<b>2 years</b>	<b>4 years</b>
<i>Horse to be dismissed from remainder of horse show, exhibition, sale or auction.</i>			
<b>Unilateral Sore</b>	<b>60 days</b>	<b>120 days</b>	<b>1 year</b>
<i>Horse to be dismissed from remainder of horse show, exhibition, sale or auction.</i>			
<b>Scar Rule</b>	<b>2 weeks</b>	<b>60 days</b>	<b>1 year</b>
<i>Horse to be dismissed from remainder of horse show, exhibition, sale or auction.</i>			

**Foreign substance (Pre Show)** – Horse dismissed from horse show, exhibition, sale or auction

**Foreign substance (Post Show)** – Two weeks suspension and horse dismissed from rest of horse show, exhibition, sale or auction

**Equipment violation (Pre Show)** – Horse dismiss from horse show, exhibition, sale or auction

**Equipment violation (Post Show)** – Two weeks suspension and horse dismissed from rest of horse show, exhibition, sale or auction

**Shoeing violation** – Horse dismissed from horse show, exhibition, sale or auction

**Heel-Toe Ratio** – Horse dismissed from horse show, exhibition, sale or auction

**Unruly/fractions horse** – Horse dismissed from individual class

**Suspension violation** – Suspension for an additional Six (6) months for each occurrence

### Repeated Violations

Multiple or subsequent violations that incur suspension penalties must be served consecutively.

For example, if the violator received a bilateral sore violation and a scar rule violation at the same show or a separate show, the violator will have a one year suspension followed by a 2 week suspension.

## B. OTHER PENALTIES

Any violation not having an assigned penalty shall be penalized at the discretion of the WHOA-HIO in accordance with the procedures set forth herein, by a fine of not less than \$100.00, and/or by a suspension of not less than one (1) day or more than life.

## C. ADDITIONAL PENALTIES

Additional penalties may be levied against any person, firm, or corporation deemed in violation of any rule or regulation of the WHOA-HIO as follows:

1. Suspension from all Affiliated/Sanctioned Shows, sales or exhibitions for a period of not less than one (1) day and up to life.
2. Forfeiture of any prizes or premium won by an exhibitor who commits a violation.
3. Fine of not less than \$25.00 or more than \$20,000.

## VI. SUSPENSIONS

A. This HIO will impose and enforce suspensions for violations of the HPA in accordance with the minimum standards set forth herein. All suspensions imposed for HPA violations shall be served consecutively, and not concurrently with any other suspension. All suspensions imposed for violations of any suspension order shall also be served consecutively, not concurrently with any other suspension. This HIO will employ the following minimum standards set forth below in imposing suspensions:

1. Notice. If this HIO has reason to believe that a person has violated the Act, the HIO shall notify the person of the alleged violation by certified mail, return receipt requested, and by regular mail within ten (10) days of the alleged violation. The notice shall describe the violation and the proposed fine and/or suspension and the procedures for requesting a hearing. Except as otherwise provided herein, all suspensions under this section shall begin on the twentieth (20) day after the date the notice was mailed, unless the person signs a waiver requesting suspension begin immediately or requests a hearing in accordance with the procedures in paragraph (2) below and pays their fine. If the person refuses or fails to claim the certified mail notice, and has not paid the fine imposed or requested a hearing, then the suspension shall begin automatically 20 days after the date the notice was mailed and remain in affect until all fines are paid. In addition, an owner filing an appeal must set forth the reasons, and may provide such additional evidence as deemed appropriate, that such Owner believes would absolve them from any liability. If the Enforcement Committee finds the owner's reasons and or evidence to be persuasive, then the Director may rule on the owner's appeal without the necessity of a full hearing. Once properly appealed the WHOA-HIO Hearing Committee shall hear and make a decision on the appeal in accordance with the procedures set forth herein, within sixty (60) days of the violation. If the WHOA-HIO Hearing Committee determines that an appeal is without merit or made substantially for the purpose of postponing the suspension, the Hearing Committee may assess further penalties of up to three (3) months suspension and a one thousand dollar (\$1,000.00) fine.

2. Opportunity For Appeal. Before an HIO can impose a fine and/or suspension, it must give the alleged violator the opportunity to present documentary and testimonial evidence at a hearing before the WHOA-HIO's Hearing Committee. A person may obtain an appeal by filing a written request with the HIO within 20 days of the date of mailing of the notice of violation described in paragraph (1) above. The request for an appeal will be deemed to be filed on the date it is received by the HIO. If a person fails to request an appeal within that time, the person shall have waived the right to a hearing, and the fine and/or suspension will begin on the twentieth (20) day after the date the notice was mailed. Each request for an appeal should state the grounds therefore. The WHOA-HIO Hearing Committee shall review each request for an appeal, and will make every attempt to set every case for hearing within thirty (30) days of the date that the request was filed. The WHOA-HIO Hearing Committee will inform the alleged violator of the date and location of the hearing. The presiding officer of the Hearing Committee shall insure that all proceedings are conducted in accordance with these procedures, and with any additional procedures adopted by this HIO that are not in conflict with this section. The alleged violator shall have the opportunity to present evidence in the form of documents, recordings, and testimony, and shall have the opportunity to cross-examine this HIOs witnesses.

3. After hearing the evidence, the HIO Hearing Committee shall render a decision in writing, on the day of the hearing or within sixty (60) days of the violation. The Hearing

Committee shall act as a jury of majority rule. All fines and/or suspensions will begin on the first day after the issuance of the decision of the Hearing Committee. Upon a finding of a violation of the HPA, the Regulations and/or rules of the WHOA-HIO, the Hearing Committee will impose the appropriate penalty in accordance with the schedule of minimum penalties set forth in these rules. In addition, the HIO Hearing Committee may impose further sanctions on any person who files a frivolous request for a hearing.

B. This WHOA-HIO defines a show season as a specified time period when most horse shows occur March 1 through November 30 of each year. Any suspensions assessed of less than one year will be served during this described period. All other suspensions of one year or more will be served during the complete calendar year.

C. Any suspension, fine or penalty assessed against a person or horse will continue for the prescribed period of time, regardless of the location of said person or horse. If said horse is sold, leased, traded or otherwise disposed of, the accumulated violation, and/or penalty, and/or suspensions will remain with said horse.

D. Upon receipt of a report from a judge indicating a violation of the Horse Protection Act and its regulations as amended and/or the rules of this WHOA-HIO, the DQP will inspect the horse and if said horse is found to be in violation a ticket will be written by the officiating DQP.

E. For any horse owned by a corporation, all penalties and/or fines assessed and appeals will apply to the owner (or owners), officers and directors of the said corporation.

F. Any post show violators of the Horse Protection Act and its regulations as amended and/or the rules of this WHOA-HIO will result in the disqualification of the entry and the forfeiture of all prizes, trophies and category point awards. The class will be retied and the new winner announced, after the appeal process has been exhausted and a violation is upheld.

G. All HPA suspensions and penalties assessed by all other USDA certified Horse Industry Organizations will be honored by this WHOA-HIO.

H. Liability. Those who transport, enter and exhibit horses in violation of the HPA shall be personally liable for monetary penalties and disqualification or suspension.

I. Limited Exemption from Liability. *Section 1824(2)(D)* of the Act contains a limited exemption from liability for a horse owner who demonstrates that he or she did not “allow” the horse to be entered or exhibited in a show while sore. This exemption applies only to those owners who themselves did not participate in the entry, exhibition, sale, or auction of a sore horse. An owner, to avoid liability for “allowing” his or her horse to be shown or exhibited, entered, sold, auctioned, or offered for sale while sore, must first present credible evidence that he or she did not participate in the entry, transportation, preparation for showing, exhibiting, sale, or auction. Second, the owner must show that he or she took affirmative steps as follows:

1. To select a trainer whom the owner would not reasonably expect would sore the horse.
2. To ensure that the trainer understands what soring is as defined in the HPA, understands that the owner does not want the trainer to sore the horse and understands the consequences of soring the horse.
3. To periodically check the condition of the horse.

Affirmative action by an owner will include without limitation the following:



1. **Written Instructions and Acknowledgment.** The owner has previously given the trainer written instructions not to sore the horse or to engage in practices or use devices that could be expected to result in soring, i.e., chains over the permitted weight, prohibited boots, collars, and rollers, caustic chemicals, overuse of permissible devices; and has informed the trainer in writing that failure to comply with the owner's instructions will result in the trainer's immediate termination. The owner has obtained the trainer's written acknowledgment that he or she understands and agrees to comply with such terms, and has read, understands and agrees to comply with the HPA and its Regulations. All written communications between the trainer and owner are to be sent by U.S. certified mail, with proof of receipt.

2. **Consideration of Trainer's History.** The owner determines whether or not the trainer has previously violated the HPA. For example, if an owner hires a trainer who has been found in violation of the HPA and/or its regulations by the USDA and/or a USDA certified HIO, hiring would raise a presumption that the owner is aware that the trainer has previously exhibited, shown, entered, sold or transported a sore horse in violation of the HPA, and has accepted the risk that such trainer may do so again. Such an owner would have to present compelling evidence to show that he or she acted reasonably in knowingly hiring that trainer.

3. **Unannounced Visits.** The owner or the owner's agent makes unannounced visits to the trainer's facility. The owner arranges for periodic unannounced inspections of the horse by a knowledgeable, independent veterinarian (a veterinarian who is not employed by the trainer and who is competent to determine whether a horse is sore under the HPA). A veterinarian who has not been found in violation of the HPA and its regulations by the USDA and/or a USDA certified HIO.

4. **Exhibitors.** Any exhibitor, other than a minor, showing a horse in any show, exhibition, sale or auction, in violation of the HPA, shall be subject to all penalties in this plan.

## **VII. HEARINGS AND APPEALS**

A. The Hearing Committee shall be responsible for conducting hearings that may come before it in connection with violations of the rules and regulations of the WHOA-HIO. The Hearing Committee shall have such other duties and responsibilities as may be set forth in these rules and as prescribed by the WHOA-HIO. Violations of rules or regulations of the WHOA-HIO not expressly delegated to Show Management, shall be subject to the jurisdiction of the Hearing Committee as hereinafter provided.

Anyone receiving a ticket for an alleged violation will have 20 days from the date of the notice from the HIO, to appeal.

1. A written appeal request must be received in the WHOA-HIO's office within 20 days of the date of the notice.

2. All requests for an appeal must be accompanied with the sum of \$400.00, from the person requesting the appeal.

3. Any individual wishing to appeal the ticket must make the request in writing to the WHOA-HIO. No one may request an appeal for another individual.

4. If an appeal is not made within the specified period, the fine and/or suspension will automatically begin 20 days from the date that the notice was mailed and all respective persons will remain on suspension until the fine is paid in full.

5. The horse will remain on suspension until the owner's fine is paid in full.
6. All rules concerning violations, fines and suspensions will apply to the trainer, owner of record, exhibitor and horse as described.

B. If an appeal or hearing is requested, the person making the request will send to this WHOA-HIO the sum equal to the imposed fine, but to be no less than \$400.00, from the person requesting the appeal. If the person requesting the appeal or hearing and paying the specified amount prevails in the hearing, the deposit will be refunded to them.

C. The affiliating association or event management will forward the event records pertaining to the matter being addressed in the hearing, to this WHOA-HIO office.

D. This WHOA-HIO has the jurisdiction and authority to conduct the hearing and report its findings and decisions to the USDA.

E. The Hearing Committee will be selected by this WHOA-HIO.

F. This WHOA-HIO, or any designated authority, will notify, by Certified Mail, the person requesting the hearing, or the person concerning whom a hearing is being held, of the date, time and place of said hearing.

G. The matter will be heard by the committee selected by this WHOA-HIO. The decision of this Hearing Committee will be rendered in writing on the day of the hearing or within 60 days of the violation.

H. This WHOA-HIO will maintain a written record of all finally determined decisions for a period of no less than four years.

I. If this WHOA-HIO should determine that any request for a hearing, should be frivolous and/or filed for the purpose of keeping said person or horse eligible to show during the waiting period, then this WHOA-HIO may levy such additional penalties against the horse, and/or person filing said request for the appeal.

J. Costs of a hearing may be assessed against any person requesting a hearing that does not prevail.

#### **Initiation of Disciplinary Proceedings.**

(a) Whenever any interested individual, or entity, (the "Complainant") shall believe that a rule and/or regulation contained in the WHOA-HIO Rule Book has been violated and desires to initiate a disciplinary proceeding, such individual, or entity, shall file in the office of the WHOA-HIO a written statement (the "Complaint") specifically setting forth the allegation(s) of violation(s), and for each alleged violation, the Rule or portion thereof alleged to have been violated and the manner in which it was violated, including, if available, dates, times, and places.

(b) The Complaint shall set forth the name of the alleged violator (the "Respondent") and the address, if known, and the name and address of the Complainant. It shall be sworn to and executed before an individual authorized in the Complainant's jurisdiction to administer oaths. The Complaint shall be accompanied by a non-refundable administrative fee established by the WHOA-HIO.

(c) The WHOA-HIO Enforcement Committee shall review DQP tickets and shall investigate ticket protests, complaints, and/or violations, brought to or by the WHOA-

HIO relating to a ticket issued by a DQP, the findings of a DQP, the inspection methods of a DQP, the abilities of or conduct by a DQP, or the integrity of a DQP.

(1) If after concluding the review or investigation, the Enforcement Committee finds sufficient reason to believe the ticket protest to be valid, the Chairman shall certify the matter to the Hearing Committee without the necessity of the complaining individual paying any administrative fee, and the effect of the DQP ticket shall be stayed pending the hearing by the Enforcement Committee.

(2) If after concluding the review or investigation, the Enforcement Committee finds insufficient reason to believe the complaint or violation to be substantiated, the Chairman shall issue a written finding and so notify the complaining individual or entity.

(3) If after concluding the review or investigation, the Enforcement Committee finds sufficient reason to believe the DQP ticket, complaint, or violation to be substantiated, the Chairman shall issue a written finding and penalty, if any, in accordance with the WHOA-HIO Rule Book.

(4) The written finding and/or penalty of the Enforcement Committee shall become final, unless the individual aggrieved by the decision appeals to the WHOA-HIO Board of Directors. In order to perfect an appeal, the individual must file with the Secretary- Treasurer a written request for an appeal hearing and post the appropriate non-refundable administrative fee, within twenty (20) days of the written decision of the Enforcement Committee. If the aggrieved party is the WHOA-HIO or an agent thereof, the fee shall be waived. Upon compliance with the foregoing, the Enforcement Committee's decision shall be stayed until the WHOA-HIO Board of Directors rule on the matter. Complaints or violations without specified penalties in the Rule Book shall be subject to determination by the Hearing Committee without any administrative fee.

(d) The Enforcement Committee shall investigate complaints and/or violations, and other matters brought to or by the WHOA-HIO.

(1) If after concluding the investigation, the Enforcement Committee finds insufficient evidence to support the complaint or violation, the Enforcement Committee shall issue a written finding and so notify the complaining individual or entity.

(2) If after concluding the investigation, the Enforcement Committee finds sufficient evidence to believe the complaint or violation to be substantiated, the Enforcement Committee shall issue a written finding and penalty, if any, in accordance with the WHOA-HIO Rule Book.

(3) The written finding and/or penalty of the Enforcement Committee shall become final unless the individual or entity aggrieved by the decision appeals to the WHOA-HIO Board of Directors. In order to perfect an appeal, the individual or entity must file with the Secretary- Treasurer a written request for an appeal hearing and post the appropriate non-refundable administrative fee, within twenty (20) days of the written decision of the Enforcement Committee. If the aggrieved party is the WHOA-HIO or an agent thereof, the fee shall be waived. Upon compliance with the foregoing, the Enforcement Committee's decision shall be stayed until the Board of Directors rule on the matter. Complaints or violations without specified penalties in the WHOA-HIO Rule Book shall be subject to determination by the Enforcement Committee without any administrative fee.

(e) The Enforcement Committee shall review all complaints and/or violations brought to or by the WHOA-HIO not encompassed by those to be investigated by the Director of Animal Welfare Services.

(1) If after concluding the investigation, the Enforcement Committee finds insufficient evidence to support the complaint or violation, the Enforcement Committee shall issue a written finding and so notify the complaining individual or entity.

(2) If after concluding the investigation, the Enforcement Committee finds sufficient evidence to believe the complaint or violation to be substantiated, the Enforcement Committee shall issue a written finding and penalty, if any, in accordance with the WHOA-HIO Rule Book.

(3) The written finding and/or penalty of the Enforcement Committee shall become final unless the individual or entity aggrieved by the decision appeals to the WHOA-HIO Board of Directors. In order to perfect an appeal, the individual or entity must file with the Secretary- Treasurer a written request for an appeal hearing and post the appropriate non- refundable administrative fee, within twenty (20) days of the written decision of the Director or Enforcement Committee. If the aggrieved party is the WHOA-HIO or an agent thereof, the fee shall be waived. Upon compliance with the foregoing, the Director's/Enforcement Committee's decision shall be stayed until the WHOA-HIO Board of Directors rules on the matter. Complaints or violations without specified penalties in the WHOA-HIO Rule Book shall be subject to determination by the WHOA-HIO Board of Directors without any administrative fee.

(f) Upon receipt of a Complaint meeting the requirements set forth in (a) and (b) above or upon the certification of a ticket protest, an appeal of a ticket, a complaint or a violation as set forth in (c), (d), and (e), the WHOA-HIO Enforcement Committee shall schedule the time, date, and place for a hearing. The date shall be within thirty (30) days from the receipt of the Complaint or appeal. However, notwithstanding the foregoing, if the WHOA-HIO Enforcement Committee determines the Complaint or appeal to be of such severity and/or significance to the WHOA-HIO or the horse industry that it should be heard expeditiously, a sooner date may be set, which date shall not be less than fifteen (15) days thereafter without the consent of the Complainant and Respondent.

(g) Notice of the hearing shall be provided to the Complainant and the Respondent, in writing, by certified mail addressed to the last known address of each. When the same has been deposited in the United States mail, notice shall be considered delivered and served. In addition to the time, date, and place of the hearing, the notice shall contain a concise statement of the nature of the alleged violation and the Rule violated with information sufficient for the Respondent's preparation for the hearing. If the Respondent is reasonably unable to determine the full nature of the allegation from the notice, the Respondent may, within ten (10) days of the actual receipt of notice, request particulars. To the extent that staff may possess such information, it shall provide it to the Respondent forthwith.

(h) The WHOA-HIO Board will not hear interlocutory appeals.

## **2. Hearing Committee Selection.**

WHOA-HIO shall establish a WHOA-HIO Hearing Committee. The Hearing Committee shall be comprised of no less than three (3) individuals. These individuals, as well as their immediate family members must not own, train, or exhibit Tennessee Walking Horses, and must not have been a DQP, a Tennessee Walking Horse Judge, or a Tennessee Walking Horse show official (excluding any members of the WHOA-HIO Board of Directors). This Committee shall be selected by WHOA-HIO and may change from one hearing to another. The Hearing Committee may appoint a Hearing Officer, to manage the hearing process and review any subsequent appeals.

The Hearing Committee shall meet for the purpose of hearing violations brought to or by WHOA-HIO in accordance with its written policies and procedures. The members of the Hearing Committee shall function in accordance with a written policy that outlines its duties and responsibilities, as set forth hereafter. The WHOA-HIO Hearing Committee may, upon approval by the WHOA-HIO Board modify its procedures at any time as it deems appropriate.

### **3. Hearing Procedures.**

(a) At all times of the hearing, the Complainant and the Respondent shall have the right to represent themselves or be represented by counsel of their own choosing. Both shall have the right to be present during the hearing, the right to confront those witnesses against those who are present, the right to cross-examine witnesses against those who are present, the right to present witnesses, the right to present relevant evidence, and the right to testify in their own behalf. Members of the Hearing Committee shall not consider the opening and closing statements of counsel as evidence. Opening and closing statements of counsel are merely counsel's view of the evidence and argument as to how they want the Hearing Committee to view and rule on the evidence. The Hearing Committee should only consider as evidence the sworn testimony of witnesses and any documentary, visual, or auditory evidence admitted by the Hearing Officer.

(b) The hearing may be recorded.

(c) The Hearing Officer, if any retained by the WHOA-HIO shall preside over the hearing, and, unless expressly stated otherwise herein, shall rule on evidentiary questions and on procedural questions. Unless amended or altered in any manner deemed appropriate at the discretion of the Hearing Officer and with the consent of the Complainant and Respondent, the hearing shall be conducted in the following manner and order.

(1) Opening statement by the Complainant or Complainant's counsel outlining the nature of the Complaint, ticket or violation and each WHOA-HIO Rule Book Rule alleged to be violated.

(2) Opening statement by the Respondent or Respondent's counsel.

(3) Presentation of evidence and individual witnesses by the Complainant or Complainant's counsel, cross-examination by the Respondent or Respondent's counsel, and questions by the Hearing Committee, if any.

(4) Presentation of evidence and individual witnesses by the Respondent or Respondent's counsel, cross-examination by the Complainant or Complainant's counsel, and questions by the Hearing Committee, if any.

(5) Rebuttal evidence and individual witnesses by the Complainant or Complainant's counsel, cross-examination by the Respondent or Respondent's counsel, and questions by the Hearing Committee, if any.

(6) Closing statement by the Complainant or Complainant's counsel, summarizing the evidence presented in support of the Complaint, ticket or violation.

(7) Closing statement by the Respondent or Respondent's counsel, summarizing the evidence presented by or on behalf of the Respondent.

(8) Rebuttal statement by the Complainant or Complainant's counsel.

(d) Following the presentation of evidence, the Enforcement Committee shall deliberate in private until reaching a majority decision. The Committee shall either find the Complaint, ticket or violation unfounded and dismiss it, or it shall find the Complaint, ticket or violation founded and determine an appropriate penalty within the guidelines of the WHOA-HIO Rule Book. Upon reaching a decision, the Complainant and Respondent shall be summoned and the finding announced in person, to be followed by a written

finding within ten (10) days thereafter. The finding of the Hearing Committee shall be effective the date and time it is announced.

#### **4. Evidence.**

(a) The presentation of evidence at the hearing shall not be required to conform to the formalities of the Federal Rules of Evidence, or the rules of evidence as established by case law in any state. Instead, to be admissible at the hearing, evidence shall be required to be relevant, probative, reliable, substantial, and of such nature as is usually relied upon by reasonable persons of reasonable caution in making judgments in regard to important decisions.

(b) The evidence of each witness shall be in person, under oath or affirmation, allowing all parties the opportunity to fully examine that witness. Upon good cause shown, the Enforcement Committee may excuse the required presence of a witness and admit the witness's affidavit, provided that the evidence contained therein is otherwise admissible and, on its face, the affidavit provides sufficient indicia of the foundation for the testimony contained therein and the reliability thereof, and neither the case in support of the Complainant nor of the Respondent would be unduly prejudiced by such admission.

(c) Original documentary evidence shall be admitted. Copies of documentary evidence shall be admitted if certified and accompanied by a sworn statement of the custodian of such documentary evidence that such individual is the custodian, the copy is a true copy, and that the original remains in their custody or was in their custody and has been destroyed in the regular course of business.

(d) Hearsay may be admitted if the Enforcement Committee determines that the hearsay is relevant, probative, substantial, reliable and of such trustworthiness as to be usually relied upon by reasonable persons of reasonable caution in making judgments in regard to important decisions.

(e) Statements attributable to the Complainant or the Respondent shall be admissible by the adverse party.

(f) If sufficiently credible evidence is that the Complainant or the Respondent previously made a statement inconsistent with the testimony at the hearing, that previous statement may be considered as evidence that what the Complainant or Respondent previously said was true.

(g) If sufficiently credible evidence is that a witness previously made a statement inconsistent with the testimony at the hearing, the only purpose for which the previous statement may be considered is its bearing on the credibility of the witness and not as evidence that what the witness previously said was true.

(h) The Enforcement Committee may consider proof of the Respondent's prior conviction of a felony or a crime involving moral turpitude as affecting his or her credibility, but it shall not be considered as evidence of the alleged violation contained in the Complaint, the ticket or the violation which is the subject matter of the hearing.

(i) The Enforcement Committee may consider proof of a witness' prior conviction of a felony or crime involving moral turpitude as affecting his or her credibility.

(j) The only evidence of witnesses' character that the Enforcement Committee may consider is evidence of the witnesses' general reputation for truth and veracity and not evidence of any specific acts.

(k) The Enforcement Committee may consider evidence that the Respondent committed violations other than the violation for which he or she appears at the hearing only as evidence of the Respondent's motive; as evidence of the Respondent's intent; as evidence of the Respondent's scheme or plan; as evidence of the Respondent's identity; as evidence of the Respondent's knowledge; as evidence of the Respondent's conduct and feelings

toward the Complainant and relations between them; as evidence of the Respondent's malice; as evidence of the Respondent's opportunity; as evidence of the absence of mistake or accident on the part of the Respondent; as evidence to negate the defense that the Respondent was merely an innocent bystander; as evidence of the unique nature of the method of committing the alleged violation in connection with the violation for which he appears at the hearing and for no other purpose.

(l) Expert testimony may be admitted and in considering the weight to be given to the testimony of an expert witness, the Enforcement Committee shall consider the basis for his opinion and the manner by which he or she arrived at it and the underlying facts and data upon which he or she relied. The Committee shall not consider the expert testimony as conclusive, but shall consider it as part of the evidence and give it such weight, as they deem appropriate.

(m) If the Enforcement Committee believes that a party, without explanation, failed to call an available witness who has knowledge of necessary and material facts, the Enforcement Committee may presume that witness's testimony would have been unfavorable to the party who failed to call the witness.

(n) The Enforcement Committee shall be the judge of the Rules, the facts, the credibility of the witnesses, and the weight of the evidence. The Enforcement Committee may consider the appearance and manner of the witnesses while testifying, their intelligence, and their opportunity for knowing the truth and for having observed the matters about which they testified, their interest in the outcome of the case, their bias, and, if any have been shown, their prior inconsistent statements, or whether they have knowingly testified untruthfully as to any material fact in the hearing. The Enforcement Committee shall not arbitrarily disregard believable testimony of a witness. However, after having considered all the evidence in the hearing, then the Committee may accept or discard all or part of the testimony of a witness as it deems proper.

(o) The Enforcement Committee shall use their common sense in judging any testimony. From these things and all the other circumstances of the hearing, the Hearing Committee may determine which witnesses are more believable and weigh their testimony accordingly.

(p) It is not necessary that each element of the Complaint, ticket or violation be proved by direct evidence, for an element may also be proved by circumstantial evidence. The Enforcement Committee may find a Complaint, ticket or violation founded on circumstantial evidence alone, or on circumstantial evidence combined with other evidence, if the Enforcement Committee believes from all the evidence that the Complaint, ticket or violation is founded.

(q) The burden shall be upon the Complainant to prove the Complaint, ticket or violation by a preponderance of evidence, otherwise known as the greater weight of all the evidence. It is that evidence which the Enforcement Committee finds more persuasive. The testimony of one witness whom the Enforcement Committee believes can be the greater weight of evidence.

## **5. Penalties.**

Upon finding that a Complaint, ticket or violation is founded, the Enforcement Committee shall determine the appropriate penalty. The range of penalty shall be as set forth in the WHOA-HIO Rule Book. In determining the appropriate penalty, the Hearing Committee shall consider the following:

- The degree of the Respondent's culpability;
- The number, manner, and severity of the violation (s);
- The Respondent's prior record of violations, if any, in comparison to the Respondent's tenure; and

- Any mitigating circumstances that may be presented at the hearing.

## **6. Default Judgments.**

If the respondent fails to appear at a hearing that he or she has requested, the Enforcement Committee may enter a default judgment and assess appropriate penalties for both the underlying violation and the cost to the WHOA-HIO of the respondent's unexcused absence.

## **7. Confidentiality.**

(a) From the moment a Complaint is filed with WHOA-HIO, or information in regard to a potential Rule violation is provided to staff, all information in regard to the Complaint or information, including, but not limited to, the names of the Complainant and the Respondent, the nature of the alleged violation, and the evidence and information developed in relation thereto, shall be held in strict confidence by staff, except when presenting evidence at the hearing, if any.

(b) If, upon presentation of a Complaint, ticket or violation and evidence at a hearing, the Enforcement Committee shall find the Complaint, ticket or violation to be unfounded, the confidentiality shall be held inviolate, except for the written notice of that finding as required to be directed to the Complainant and Respondent. If, upon presentation of a Complaint, ticket or violation and evidence at a hearing, the Enforcement Committee shall find the Complaint, ticket or violation to be founded, the Enforcement Committee shall hold all information in regard to the Complaint, ticket or violation in strict confidence except that the finding and punishment, if any, shall be released.

(c) Nothing contained herein shall preclude the staff from disseminating and discussing the Complaint, ticket or violation with any law enforcement officer, attorney consulted by staff, or any individual engaged or employed by any of the foregoing. However, such information as discussed and disseminated shall be held in confidence by the receiving individual in compliance with these Rules.

(d) The hearing shall be open to the public, including the announcement of the finding and penalty as the case may be. The deliberations of the Hearing Committee shall be in private and in confidence, and such confidentiality shall be held inviolate.

(e) Any staff member found by the Enforcement Committee to be knowingly and willingly in violation of the foregoing, upon the filing of a Complaint and by the procedure as set forth in these Rules, shall be dismissed. A member of the Enforcement Committee found to be knowingly and willingly in violation of the foregoing, upon the filing of a Complaint and by the procedure as set forth in these Rules, shall be excluded from participating on the Enforcement Committee at any time in the future.

## **8. Ex-Parte Communication.**

(a) No individual shall have any ex-parte communication with any member of the Enforcement Committee in regard to a pending Complaint, ticket or violation except as may be necessary by staff in order to comply with these Rules.

(b) A staff member found to be knowingly and willingly in violation of the foregoing rule, upon the filing of a Complaint and by the procedure as set forth in these Rules, shall be terminated.

(c) Any non-staff or non-member individual found to be knowingly and willingly in violation of the foregoing, upon the filing of a Complaint and by the procedure as set forth in these Rules, shall be suspended from participating in any WHOA-HIO affiliated



horse show, exhibition, or sale for a period of not less than two (2) years and not more than ten (10) years.

(d) Any individual member of the Enforcement Committee found to have knowingly and willingly participated in any ex-parte communication, upon the filing of a Complaint and by procedure as set forth in these Rules, shall be precluded from participating on the Hearing Committee at any time in the future.

### **Rule Book**

The official rules and regulations of WHOA-HIO shall be embodied in a booklet entitled "WHOA-HIO Rulebook". The rulebook will be subject to modification as a result of any written agreement with the USDA, or upon addition, deletion, or modification by the WHOA-HIO Board of Directors. Any addition, deletion, or modification will become effective on the first day of January next following its adoption and it will remain inviolate for a period of one year. The Rulebook shall be added to, amended by, or deleted from, by the acts of the WHOA-HIO Board of Directors and/or a Rules Committee as set forth herein. However, notwithstanding anything contained herein to the contrary, the WHOA-HIO BODs, if it perceives an immediate need, may add, amend, or delete any rule, effective upon the adoption of the addition, amendment or deletion, by the affirmative vote of more than eighty percent (80%) of the BODs. It is virtually impossible to cover all eventualities in the formation of rules and regulations to govern any working organization, therefore, the HIO BODs has the ultimate responsibility of interpreting the meaning and intent of these Rules, and its decision will be final.

## **VIII. PROTEST/CHARGES AGAINST DQP**

A. Upon receipt of a protest or charge against an officiating DQP, their DQP license may be temporarily suspended by this WHOA-HIO, until a hearing is held.

B. All protests or charges will be processed as any hearing, through a Hearing Committee as described in Section VII of these rules and the USDA will be notified of the hearing at least 7 days prior to said hearing so an APHIS representative may be present.

C. The Hearing Committee will be selected by this WHOA-HIO.

D. Notice of any suspension of a DQPs license will be reported to the USDA immediately.

E. In the event that the Hearing Committee finds the accused guilty, he/she may appeal the decision by following the same appeals process as described in these rules.

F. If the DQP is found guilty, he/she may be censured and their license revoked.

G. A written warning will be issued to any licensed DQP who violates the Horse Protection Act and its regulations as amended, the rules, by-laws or standards of conduct promulgated by this WHOA-HIO or who carries out their duties and responsibilities in a less than satisfactory manner, as determined by this WHOA-HIO.

## **IX. REQUIREMENTS OF EVENT MANAGEMENT**

A. In signing a DQP Request Form, the event management agrees to abide by Horse Protection Act and its regulations as amended, and the rules of this WHOA-HIO and to require all participants of the event to be bound same.

- B. Event management agrees to support the decisions of the DQP and not interfere in the inspection process or the DQPs decisions.
- C. Event management agrees to provide the DQP with any and all information requested by the DQP, in regards to this event.
- D. Event management agrees to cooperate with any USDA personnel present at the event.
- E. Event management agrees to facilitate the DQPs carrying out of his/her duties by providing following:
1. A well lighted inspection area.
  2. An appropriate designated holding area adjacent to the inspection area.
  3. Means to control crowds or onlookers.
  4. Tables and chairs as deemed necessary.
  5. Shelter from the elements.
  6. Breaks for meals (lunch and/or dinner).
- F. Event management agrees to not disclose the identity of the officiating DQP prior to the start of the event.
- G. Event management will inform all entries that the event is affiliated with the WHOA-HIO, Inc. and that they will be required to abide by all of its rules and regulations and will be bound by same by signing the entry form. Event management will make the Horse Protection Act and its regulations along with the WHOA-HIO Rulebook available to the participants in the event office, throughout the duration of the event.
- H. Payment of fees:
1. Event management agrees to pay to this WHOA-HIO all fees assessed to the individuals entering the events, as indicated on the Show Managers Report.
  2. Event management will fill out a Show Managers Report and mail along with a copy of the class sheets and a check for the assessed fees, to this WHOA-HIO office within the time frame as indicated on the Show Managers Report form.
  3. The DQP is employed and to be paid by the event management. Event management agrees to pay the DQP directly, for his/her services.
  4. Event management agrees to provide room and mileage for the DQP as suggested in these rules.
- I. Event management will report in writing any violation by the DQP, of the Horse Protection Act and its regulations and/or the rules of this WHOA-HIO to this WHOA-HIO office immediately following the event.

## **X. OTHER HORSE INDUSTRY ORGANIZATIONS (HIOs)**

- A. All finally determined HPA related suspensions forwarded to this WHOA-HIO office by other organizations with a USDA certified DQP program, will be enforced against the subject person or horse.

B. This WHOA-HIO will cooperate with other USDA certified DQP programs in providing them with any finally determined HPA violations and/or suspensions enacted against an individual or horse, by this WHOA-HIO.

C. This WHOA-HIO will honor all HPA related suspensions and penalties assessed by all USDA certified HIOs.

*Scar Rule Chart  
Measurements for Determining Violation of Scar Rule*

Circumference of Foot	17.5 Percent
7 in	1 1/4 in
7 1/8 in	1 1/4 in
7 1/4 in	1 1/4 in
7 3/8 in	1 1/4 in
7 1/2 in	1 3/8 in
7 5/8 in	1 3/8 in
7 3/4 in	1 3/8 in
7 7/8 in	1 3/8 in
8 in	1 3/8 in
8 1/8 in	1 3/8 in
8 1/4 in	1 1/2 in
8 3/8 in	1 1/2 in
8 1/2 in	1 1/2 in
8 5/8 in	1 1/2 in
8 3/4 in	1 1/2 in
8 7/8 in	1 1/2 in
9 in	1 5/8 in
9 1/8 in	1 5/8 in
9 1/4 in	1 5/8 in
9 3/8 in	1 5/8 in
9 1/2 in	1 5/8 in
9 5/8 in	1 5/8 in
9 3/4 in	1 3/4 in
9 7/8 in	1 3/4 in
10 in	1 3/4 in
10 1/8 in	1 3/4 in
10 1/4 in	1 3/4 in
10 3/8 in	1 7/8 in

Circumference of Foot	17.5 Percent
10 5/8 in	1 7/8 in
10 3/4 in	1 7/8 in
10 7/8 in	1 7/8 in
11 in	1 7/8 in
11 1/8 in	2 in
11 1/4 in	2 in
11 3/8 in	2 in
11 1/2 in	2 in
11 5/8 in	2 in
11 3/4 in	2 in
11 7/8 in	2 1/8 in
12 in	2 1/8 in
12 1/8 in	2 1/8 in
12 1/4 in	2 1/8 in
12 3/8 in	2 1/4 in
12 1/2 in	2 1/4 in
12 5/8 in	2 1/4 in
12 3/4 in	2 1/4 in
12 7/8 in	2 1/4 in
13 in	2 1/4 in
13 1/8 in	2 1/4 in
13 1/4 in	2 3/8 in
13 3/8 in	2 3/8 in
13 1/2 in	2 3/8 in
13 5/8 in	2 3/8 in
13 3/4 in	2 3/8 in
13 7/8 in	2 3/8 in
14 in	2 1/2 in

**Emphasis on Inspection for Horse Protection Program**  
*with Horse Protection Act and Regulations cited*

**Definition of “sore”**

**HPR Sec.11.1** Sore when used to describe a horse means:

- (1) An irritating or blistering agent has been applied, internally or externally by a person to any limb of a horse,
- (2) Any burn, cut, or laceration has been inflicted by a person on any limb of a horse,
- (3) Any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or
- (4) Any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.

**HPA Sec. 1821 (3)** The term "sore" when used to describe a horse means that - -

- (A) an irritating or blistering agent has been applied, internally or externally, by a person to any limb of a horse,
- (B) any burn, cut, or laceration has been inflicted by a person on any limb of a horse,
- (C) any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or
- (D) any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.

**No tack on horse (bridle or halter with lead remains on only)**

**Pulling shoes (when requested and farrier available)**

**Hoof testers may be used on all horses (flatshod and padded horses)**

**HPR Sec. 11.1** Inspection means the examination of any horse and any records pertaining to any horse by use of whatever means are deemed appropriate and necessary for the purpose of determining compliance with the Act and regulations. Such inspection may include, but is not limited to, visual examination of a horse and records, actual physical examination of a horse including touching, rubbing, palpating and observation of vital signs, and the use of any diagnostic device or instrument, and may require the

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removal of any shoe, pad, action device, or any other equipment, substance or paraphernalia from the horse when deemed necessary by the person conducting such inspection.

**HPA Sec. 1823(e)** Inspection by Secretary or duly appointed representative

For purposes of enforcement of this chapter (including any regulation promulgated under this chapter) the Secretary, or any representative of the Secretary duly designated by the Secretary, may inspect any horse show, horse exhibition, or horse sale or auction or any horse at any such show, exhibition, sale, or auction. Such an inspection may only be made upon presenting appropriate credentials.

Each such inspection shall be commenced and completed with reasonable promptness and shall be conducted within reasonable limits and in a reasonable manner. An inspection under this subsection shall extend to all things (including records) bearing on whether the requirements of this chapter have been complied with.

**HPA Sec. 1824 (9)** The failure or refusal to permit access to or copying of records, or the failure or refusal to permit entry or inspection, as required by section 1823 of this title.

**No acrylic or any other hard substance used as hoof-packing**

**HPR Sec. 11.2 (13)** Any object or material inserted between the pad and the hoof other than acceptable hoof packing, which includes pine tar, oakum, live rubber, sponge rubber, silicone, commercial hoof packing or other substances used to maintain adequate frog pressure or sole consistency.

**HPA Sec. 1824(7)** The showing or exhibiting at a horse show or horse exhibition; the selling or auctioning at a horse sale or auction; the allowing to be shown, exhibited, or sold at a horse show, horse exhibition, or horse sale or auction; the entering for the purpose of showing or exhibiting in any horse show or horse exhibition; or offering for sale at a horse sale or auction, any horse which is wearing or bearing any equipment, device, paraphernalia, or substance which the Secretary by regulation under section 1828 of this title prohibits to prevent the soring of horses.

**HPA Sec. 1823(e)** *cited earlier*



**Frog pared out  
Bruising or any abnormal changes**

**HPR Sec. 11.2 (18)** Shoeing a horse, or trimming a horse's hoof in a manner that will cause such horse to suffer, or can reasonably be expected to cause such horse to suffer pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving.

**HPA Sec. 1821 (3)** *cited earlier*

**HPA Sec. 1824 (2)** The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse.

**HPA Sec. 1821 (3)** *cited earlier*



**Artificial Extension of the toe length not more than 50% of the natural hoof length**

**HPR Sec. 11. 2(10)** Artificial extension of the toe length, whether accomplished with pads, acrylics or any other material or combinations thereof, that exceeds 50 percent of the natural hoof length, as measured from the coronet band, at the center of the front pastern along the front of the hoof wall, to the distal portion of the hoof wall at the tip of the toe. The artificial extension shall be measured from the distal portion of the hoof wall at the tip of the toe at a 90 degree angle to the proximal (foot/h hoof) surface of the shoe.

**HPA Sec. 1824 (7)** *cited earlier*



**Evaluation of the Hoof**

- Use of Thermography
- Use of Hoof testers
- Use of Hoof Pick
- Use of Percussion Hammer
- Use of Digital Radiography



**Scar Rule**

**HPR Sec. 11.3** The scar rule applies to all horses born on or after October 1, 1975. Horses subject to this rule that do not meet the following scar rule criteria shall be considered to be “sore” and are subject to all prohibitions of section 5 of the Act. The scar rule criteria are as follows:

(a) The anterior and anterior-lateral surfaces of the fore pasterns (extensor surface) must be free of bilateral granulomas, other bilateral pathological evidence of inflammation, and, other bilateral evidence of abuse indicative of soring including, but not limited to, excessive loss of hair.

(b) The posterior surfaces of the pasterns (flexor surface), including the sulcus or “pocket” may show bilateral areas of uniformly thickened epithelial tissue if such areas are free of proliferating granuloma tissue, irritation, moisture, edema, or other evidence of inflammation.

**HPA Sec. 1821 (3)** *cited earlier*

**HPA Sec. 1824 (1)** The shipping, transporting, moving, delivering, or receiving of any horse which is sore with reason to believe that such horse while it is sore may be shown, exhibited, entered for the purpose of being shown or exhibited, sold, auctioned, or offered for sale, in any horse show, horse exhibition, or horse sale or auction; except that this paragraph does not apply to the shipping, transporting, moving, delivering, or receiving of any horse by a common or contract carrier or an employee thereof in the usual course of the carrier's business or employee's employment unless the carrier or employee has reason to believe that such horse is sore.

**HPA Sec. 1824 (2)** *cited earlier*



**Inspections of warm up area, barns, horse trailers , etc.**

**HPR Sec. 11.4 (a)** Each horse owner, exhibitor, trainer, or other person having custody of, or responsibility for, any horse at any horse show, horse exhibition, or horse sale or auction, shall allow any APHIS representative to reasonably inspect such horse at all reasonable times and places the APHIS representative may designate. Such inspections may be required of any horse which is stabled, loaded on a trailer, being prepared for show, exhibition, or sale or auction, being exercised or otherwise on the grounds of, or present at, any horse show, horse exhibition, or horse sale or auction, whether or not such horse has or has not been shown, exhibited, or sold or auctioned, or has or has not been entered for the purpose of being shown or exhibited or offered for sale or auction at any such horse show, horse exhibition, or horse sale or auction. APHIS representatives will not generally or routinely delay or interrupt actual individual classes or performances at horse shows, horse exhibitions, or horse sales or auctions for the purpose of examining horses, but they may do so in extraordinary situations, such as but not limited to, lack of proper facilities for inspection, refusal of management to cooperate with Department inspection efforts, reason to believe that failure to immediately perform inspection may result in the loss, removal, or masking of any evidence of a violation of the Act or the regulations, or a request by management that such inspections be performed by an APHIS representative.

**HPR Sec. 11.5 (b)(1)** Each horse owner, exhibitor, or other person having custody of or responsibility for any horse at any horse show, horse exhibition, or horse sale or auction shall, without fee, charge, assessment, or other compensation, admit any APHIS representative or Designated Qualified Person appointed by management, to all areas of barns, compounds, horse vans, horse trailers, stables, stalls, paddocks, or other show, exhibition, or sale or auction grounds or related areas at any horse show, horse exhibition, or horse sale or auction, for the purpose of inspecting any such horse at any and all reasonable times.

**HPA Sec. 1823 (e)** *cited earlier*

**Chains appearing more than 6oz being used in warm-up arena may be weighed onsite**

**HPR Sec. 11.2 b (2)** Chains weighing more than 6 ounces each, including the weight of the fastener. (3) Chains with links that are not of uniform size, weight and configuration; and, chains that have twisted links or double links. (4) Chains that have drop links on any horse that is being ridden, worked on a lead, or otherwise worked out or moved about.

**HPA Sec. 1824 (7)** *cited earlier*

**HPA Sec. 1828** Rules and regulations

The Secretary is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this chapter.

**Pads are not to be hollowed out and other substances or weights added to it**

**HPR Sec. 11. 2 (19)** Lead or other weights attached to the outside of the hoof wall, the outside surface of the horseshoe, or any portion of the pad except the bottom surface within the horseshoe. Pads may not be hollowed out for the purpose of inserting or affixing weights, and weights may not extend below the bearing surface of the shoe. Hollow shoes or artificial extensions filled with mercury or similar substances are prohibited.

**HPA Sec. 1824 (7)** *cited earlier*

**Metal bands are not to be tightened in warm-up area after going through inspection. THE 6 OZ CHAIN OR LUBRICANT SUPPLIED BY SHOW MANAGEMENT IS ONLY ALLOWED AFTER INSPECTION**

**HPR Sec. 11.2 (16)** Metal hoof bands that can be easily and quickly loosened or tightened by hand, by means such as, but not limited to, a wing-nut or similar fastener.

**HPA Sec. 1824 (7)** *cited earlier*

**Foreign Substance Sampling Pre-show and Post-Show**

**HPR Sec. 11. 2 (c) Substances.** All substances are prohibited on the extremities above the hoof of any Tennessee Walking Horse or racking horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, or horse sale or auction, except lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof: *Provided*, That:

(1) The horse show, horse exhibition, or horse sale or auction management agrees to furnish all such lubricants and to maintain control over them when used at the horse show, horse exhibition, or horse sale or auction.

(2) **Any such lubricants shall be applied only after the horse has been inspected by management or by a DQP and shall only be applied under the supervision of the horse show, horse exhibition, or horse sale, or auction management.**

(3) Horse show, horse exhibition, or horse sale or auction management makes such lubricants available to Department personnel for inspection and sampling as they deem necessary.

**HPA Sec. 1821 (3)** *cited earlier*

**HPA Sec. 1824 (7)** *cited earlier*

**Only the exhibitor, trainer, custodian involved with the horse are allowed in the inspection area.**

**HPR Sec. 11.21 (b)** The DQP shall inspect horses no more than three classes ahead of the time the inspected horses are to be shown, except that, in shows with fewer than 150 horses, the DQP shall inspect horses no more than 2 classes ahead of the time the inspected horses are to be shown. Inspected horses shall be held in a designated area that is under observation by the DQP or APHIS representative. Horses shall not be permitted to leave the designated area before showing. **Only the horse, the rider, the groom, the trainer, the DQP(s) and APHIS representatives shall be allowed in the designated area.**

**DQP inspectors and conflict of interest**

**HPR Sec. 11. 7 (d)(7)** Each horse industry organization or association having a Department certified DQP program shall promulgate standards of conduct for its DQP's, and shall provide administrative procedures within the organization or association for initiating, maintaining, and enforcing such standards. The procedures shall include the causes for and methods to be utilized for canceling the license of any DQP who fails to properly and adequately carry out his duties. Minimum standards of conduct for DQP's shall include the following;

(i) A DQP shall not exhibit any horse at any horse show or horse exhibition, or sell, auction, or purchase any horse sold at a horse sale or horse auction at which he or she has been appointed to inspect horses;

**(ii) A DQP shall not inspect horses at any horse show, horse exhibition, horse sale or horse auction in which a horse or horses owned by a member of the DQP's immediate family or the DQP's employer are competing or are being offered for sale;**

(iii) A DQP shall follow the uniform inspection procedures of his certified organization or association when inspecting horses; and

(iv) The DQP shall immediately inform management of each case regarding any horse which, in his opinion, is in violation of the Act or regulations.

<b>USDA Veterinarians and HIO DQP inspectors ALWAYS to carry out duties without interference</b>
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**HPR Sec. 11.6** The management of every horse show, horse exhibition, or horse sale or auction, containing Tennessee Walking Horses or racking horses, shall provide, without fee, sufficient space and facilities for APHIS representatives to carry out their duties under the Act and regulations at every horse show, horse exhibition, or horse sale or auction, containing Tennessee Walking Horses or racking horses, whether or not management has received prior notification or otherwise knows that such show may be inspected by APHIS. The management of every horse show, horse exhibition, horse sale or auction which does not contain Tennessee Walking Horses or racking horses shall provide, without fee, such sufficient space and facilities when requested to do so by APHIS representatives. With respect to such space and facilities, it shall be the responsibility of management to provide at least the following:

- (a) Sufficient space in a convenient location to the horse show, horse exhibition, or horse sale or auction arena, acceptable to the APHIS Show Veterinarian, in which horses may be physically, thermographically, or otherwise inspected.
- (b) Protection from the elements of nature, such as rain, snow, sleet, hail, windstorm, etc., if required by the APHIS Show Veterinarian.
- (c) A means to control crowds or onlookers in order that APHIS personnel may carry out their duties without interference and with a reasonable measure of safety, if requested by the APHIS Show Veterinarian.
- (d) An accessible, reliable, and convenient 110-volt electrical power source, if electrical service is available at the show, exhibition, or sale or auction site and is requested by the APHIS Show Veterinarian.
- (e) An appropriate area adjacent to the inspection area for designated horses to wait for inspection, and an area to be used for detention of horses.

**HPA Sec. 1824 (11)** The failure or refusal to provide the Secretary with adequate space or facilities, as the Secretary may by regulation under section 1828 of this title prescribe, in which to conduct inspections or any other activity authorized to be performed by the Secretary under this chapter.

**Amendments**

1976--Pub. L. 94-360 substituted provisions prohibiting the transportation, receipt, exhibition, sale, or auction of a sores horse, and the showing, sale or auction of a horse bearing any device or substance prohibited by regulation of the Secretary, and making the management of a horse show, exhibition, or sale, responsible for failure to disqualify such horses from participating, and for interfering with the conducting of inspections by the Secretary of horses in the show or of the management records, for provisions authorizing the inspection of horses, transported in commerce, and requiring the

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management of shows and exhibitions to maintain such records as the Secretary prescribes.

Provisions now covering the maintenance of records and the inspection of horses are set out as section 1823 of this title.

**HPA Sec. 1825(C)** Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this chapter shall be punishable as provided under sections 1111 and 1112 of title 18.

# USDA HORSE PROTECTION PROGRAM 2010 POINTS OF EMPHASIS

*(continuation of 2009 Points of Emphasis)*

## **Dismissal from Show, Exhibition, Sale or Auction**

*Horse Protection Act (HPA) § 1823 (a)*

*Horse Protection Regulations (HPR) § 11.20(a), (b); § 11.22(d)*

HIOs must dismiss a horse found in violation of HPA from participating in any remaining portion of horse show, horse exhibition, horse sale or auction (rather than just the individual class).

- HIO will track horses appropriately so horses cannot enter into another class inspection throughout the show, exhibition, sale, or auction.
- DQPs will collect class sheets and entry forms for each show. HIO offices must keep these records for 1 year and make them available for yearly USDA audits to confirm that horses found in violation of the HPA did not participate in any classes and shows.

## **Dismissal from Arena**

*HPA § 1823 (a); § 1824*

*HPR § 11.20*

Horses dismissed from the show arena, either by a judge, steward or rider of the horse, must report directly to the inspection area for follow-up inspection.

## **Inspections will be conducted on all horses, regardless of breed, that are going to perform an accentuated gait.**

*HPA § 1821(3)*

*HPR § 11.1*

Horses in parades, trail rides, timed or rodeo events do not need to be inspected. Horses in classes considered to be versatility may not require inspection if the HIO submits a class list to USDA for review and USDA provides approval (prior to the class) for non-inspection. Breeds participating in a multi-breed class will be subject to inspection. HIOs may apply more stringent inspection requirements if deemed necessary.

## **Detention**

*HPA §1825(e)*

*HPR § 11.4; § 11.21(c)*

A USDA representative may detain a horse, up to 24 hours, for additional inspection if they have reason to believe the horse is sore.

## **Protective Boots**

*HPA § 1824(7)*

*HPR § 11.2(b)(7)(i),(ii)*

Soft rubber or soft leather bell boots and quarter boots used as protective devices are allowed unless the protective device appears to be functioning as an action device

and/or can reasonably be expected to cause a horse to be sore, in which case the horse will be in violation of the HPA. Boots, collars, or any other devices that weigh more than 6 ounces are prohibited.

### **Leg Wraps**

**HPA § 1821(3); § 1824(7)**

**HPR § 11.2(c)**

Plastic, cotton, or any materials thereof that are on horses' legs while they are on showgrounds may be subject to immediate inspection and sampling for foreign substance (*please refer to 2009 Point of Emphasis*).

### **Digital Imaging Findings**

**HPA § 1821(3)**

**HPR § 11.1, § 11.2(12),(13)**

Horses found with coffin bone rotation of more than 5 degrees are in violation of the HPA and considered sore.

Horses found with materials other than permitted materials within the package will be found in violation of the HPA.

### **Inspection Findings**

**HPA § 1823(c), (e); § 1825(c)**

**HPR § 11.7(e), (f)**

If the USDA representative finds a horse in violation of the HPA/HPR after the DQP has inspected the horse, all individuals who participated in the entry and/or showing of that horse will be subject to a federal case.

- The USDA representative will advise the DQP of his/her findings and the DQP can recheck the horse and/or apply the penalty through the HIO.
- Any licensed DQP who violates the rules, regulations, by-laws, or standards of conduct set forth by their HIO; who fails to follow the inspection procedures set forth in the Horse Protection regulations or; who otherwise fail to carry out his duties and responsibilities in a less than satisfactory manner, shall be subject to a letter of warning, or cancellation of their DQP licenses by their HIO or USDA.

### **USDA Disqualifications and HIO Suspensions**

**HPA § 1825(c)**

**HPR § 11.7(d)(5)**

A violator on disqualification or suspension may only participate as a spectator at the horse show, horse exhibition, horse sale, or horse auction.

- Violators are disqualified or suspended from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, family member, corporation, partnership, or other device, and from judging, managing, or otherwise participating in any horse show, horse exhibition, or horse sale or auction, directly or indirectly through any agent, employee, family member, corporation, partnership, or other device.
  - "Participating" means engaging in any activity beyond the activities of a spectator, and includes, without limitation: (a) transporting or arranging for the transportation of horses to or from any horse show, horse exhibition, horse sale, or horse auction; (b) personally giving instructions to exhibitors; (c)



being present in the warm-up areas, inspection areas, or other areas where spectators are not allowed at any horse show, horse exhibition, horse sale, or horse auction; and (d) financing the participation of others in any horse show, horse exhibition, horse sale, or horse auction.

HIOs should share their HIO suspension and disqualification lists with all HIOs via email, postal mail or webpage.

HIOs should honor suspension and disqualification lists from other HIOs.

### **Designated Qualified Persons (DQPs)**

*HPA § 1823(c)*

*HPR § 11.7*

USDA certified HIO must provide all DQPs with annual in person training (i.e., an annual continuing education program of not less than 4 hours and new DQP applicant training program of 14 hours) with oversight by a USDA representative prior to conducting inspections for the show season.

No DQP will be licensed if such person has been convicted of any violation of the HPA or the regulations occurring after July 13, 1976, or paid any fine or civil penalty in settlement of any proceeding regarding a violation of the HPA or the regulations occurring after July 13, 1976, for a period of at least 2 years following the first such violation, and for a period of at least 5 years following the second such violation and any subsequent violation.

### **Horse Protection Database**

*HPA § 1823(d)*

*HPR § 11.7(d), § 11.22(a), § 11.24(a), (b)*

All HIOs will submit the required information to USDA utilizing the 2010 USDA Horse Protection database.

- HIO DQPs will provide all information required in HPR section 11.7(d)(1) concerning violators directly to the database or via their HIO database coordinator within 72 hours after the horse show, horse exhibition, or horse sale or auction has ended.
- HIOs will place in the database the identity of all horse shows, horse exhibitions, or horse sales or auctions as described in HPR section 11.7(d)(3), which have retained the services of the HIOs' DQPs **no later than 30 days prior to the event** with assigned DQPs identified.
- Within 30 days following the conclusion of the horse show, horse exhibition, or horse sale or auction, HIOs will place, in the database, information of all horses at each horse show, horse exhibition, or horse sale or auction that their licensed DQPs disqualified or excused. The information will include registered name of horse and name of trainer, exhibitor, or other person having custody of such horse.
- HIOs will also place in the database the information contained in the detail show report that is outlined HPR section 11.22 (a).

### **Letter of Warning (LOW) to DQPs**

*HPA § 1823(c)*

*HPR § 11.7(f)(1)*

If the USDA recommends that a HIO give a LOW to its DQP, the HIO will have 30 days to either issue the LOW to its DQP or provide sufficient justification, in writing, explaining why the HIO did not issue the LOW.

### **Means to Control Crowds**

*HPA § 1825(a)(2)(C)*

*HPR § 11.6(c)*

Show management is responsible for controlling crowds and onlookers in the inspection area and warm up area.

- If an excess number of people are permitted in the inspection or warm up areas and their presence impedes the inspection process, the HIO and show management will be in violation of the HPA.

Each horse in the inspection and warm up area may have up to 3 individuals with the horse which include trainer, rider and/or custodian.

- Official guests of the HIO or show management, such as elected officials, legislators, technical advisors, may be authorized for entrance to the inspection and warm up area on a case-by-case basis for limited periods of time.

### **Show Management Records**

*HPA §1823(d)*

*HPR § 11.5(a)(1), § 11.22(c)*

Show management must provide USDA with any records that the USDA requests at the horse show or within 90 days. If show management does not provide records when requested, it will be in violation of the HPA and the regulations.

### **False Information and Swapping of Horses**

*HPA § 1825 (a)(2)(b)*

*HPR § 11.2(e)*

Anyone who provides false information requested by USDA may be subject to a criminal penalty.

Anyone who swaps horses before or after USDA inspections may be subject to a criminal penalty.

### **Indian Reservations**

Indian reservations are subject to the laws of the United States unless a treaty provides otherwise.

*Refer to: Santa Clara Pueblo v. Martinez, 436 U.S. 49 citing Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832) and Donovan v. Coeur d'Alene Tribal Farm, 751 F.2d. 1113 (7th Cir. 1989).*

Therefore, inspections required at horse shows to enforce the Horse Protection Act, are required, as well, on an Indian reservation by a USDA-certified HIO DQP or a USDA representative.