

# HORSE PROTECTION COMMISSION RULES

## Section I

### Affiliated Events

- A. Any event or organization desiring to affiliate their event with this commission will apply with a signed affiliation form and a registration fee at least 30 days prior to the event date.
- B. A fee of \$5 per horse per day is to be paid to this commission and postmarked within seven (7) days following the event.
- C. Any payment postmarked after the 7 day deadline may be assessed a late charge as determined by this commission.
- D. When 150 entries or more are/will be in any event, registered with this commission, this commission is required to designate a minimum of two DQPs for that event, as required by the Horse Protection Act and its regulations as amended.
- E. This commission will not dictate show rules or selection of judges.
- F. For the purpose of these rules the term "event" will be defined to mean any horse show, exhibition, sale or auction.
- G. 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:
  - (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.

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**Section II**  
**DQP & Inspections**  
**(Designated Qualified Person)**

- A. A DQP is assigned to an affiliated event to protect event management from penalties as a result of violations of the Horse Protection Act and its regulations as amended, and to insure that all exhibitors compete under the same and equal conditions.
- B. General Rules for all DQP applications.
1. Application for a DQP license must be made on the official form furnished by this commission and accompanied by the required fee, which is not refundable.
  2. All DQP applicants must complete a minimum 14 hour DQP training course. The 14 hour course will strictly adhere to the USDA requirements.
  3. All applicants will be subject to a written examination, which must be answered and returned to this commission for review.
  4. Each applicant whose examination paper receives a mark of 80% or better will be considered for licensing.
  5. All DQP applicants must apprentice a minimum of 2 events or any additional amount deemed necessary by this commission.
  6. Following the minimum apprenticeships, and after review of the applicants performance in the field, the DQP apprentice may undergo an oral review to examine his qualifications and determine if the apprentice is qualified to be licensed or needs more time in the field.
  7. After this review, a license may be issued, which will be valid for the calendar year only.
  8. The issuing of all new DQP licenses will be at the discretion of this commission.
  9. An apprentice DQP must be approved by this commission in order to receive his or her license.
  10. All DQP licenses will be renewed on a yearly basis.
  11. Fees for a DQP license and its renewal will be set by this commission.
  12. All DQPs must be eighteen (18) years of age or older.
  13. This commission may, at its discretion, refuse to renew a DQPs license upon its expiration.
  14. All licensed DQPs must attend a continuing education program of not less than 4 hours of instruction per year, in order to retain their license.
- C. This commission and its inspectors will concern themselves only with the enforcement of the Horse Protection Act and its regulations and the rules established by this commission. This commission will not enforce horse event rules not promulgated by this commission.
- D. All DQPs will be members of this commission's general membership and advisory board, but they will not have a vote.
- E. The fees and expenses associated with the employment of a DQP will be paid by the event management, as prescribed by this commission (a minimum fee of \$100 per day, .32 cents per mile traveled, and room).
- F. It will be the obligation of the DQP to determine that all horses, which enter events affiliated with this commission, are in compliance with these rules and the Horse Protection Act and its regulations as amended.
- G. All DQPs licensed by this commission will be responsible for knowing the rules of this commission and the Horse Protection Act and its regulations as amended.
- H. All DQPs licensed by this commission will be expected to abide by the following DQP Standards of Conduct.
1. Inspect all horses thoroughly.
  2. Enforce the Horse Protection Act and its regulations and the rules of this commission without compromise.
  3. Display consistency in inspections and in enforcement, without favoritism or prejudice.
  4. Treat all persons with courtesy.
  5. Cooperate with USDA personnel when they are present.
  6. Always strive to improve performance.
  7. There should be no difference in the inspection procedures, policies or standards whether USDA personnel are present or not.
- I. A DQP will disqualify any horse that he deems to be out of compliance with the Horse Protection Act and its regulations as amended, the rules of this commission and/or the policies of USDA/APHIS.

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- J. The method and manner of determining whether or not a horse is in compliance with the Horse Protection Act and its regulations as amended and the rules of this commission and/or the policies of the USDA/APHIS will be as instructed at DQP clinics authorized by this commission.
- K. After a DQP has been issued a DQP license, and such DQP demonstrates a lack of competence, skill, integrity, cooperation, the desire to deport himself in a manner worthy of a DQP, or is found to be uncooperative with USDA personnel, the license of such DQP may be suspended or revoked by this commission, as provided for in these rules, or at the request of the Administrator of USDA/APHIS.
- L. DQPs holding a DQP license with this commission will be available on an assignment basis only to any horse event, which makes a request for a DQP, by filling out a DQP Request Form from this commission. This commission may request an affiliation fee for these services and will be responsible for the DQP assignments.
- M. It will be considered improper for any person to knowingly contact a DQP assigned to a future event. If such person contacts any DQP, it will be the DQPs duty to immediately report this act to this commission.
- N. Neither DQPs, nor members of his immediate family are permitted to show or bring a horse to inspection at an event; at which said DQP is officiating as a DQP, even if there are two or more DQPs. Immediate family is defined as, spouse, brother, sister, mother, father, daughter or son.
- O. DQP Inspections:
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, commission members assigned to supervise the DQPs 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. The only persons allowed in the designated holding area are those listed above in Section II, O, 1, of these rules, with the addition of one assistant on the ground.
  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 commission.
  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 commission are to be reported to the event management and in writing to this commission on a numbered ticket provided by the HPC.
  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 commission.
  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 commission.
  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 commission.
  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.

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20. The DQP may monitor such areas at various times during the time he/she is on the grounds officiating.
  21. The DQP will be 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 commission, 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 commission.
  26. DQP has the authority to require the removal of all hoof coatings that may disguise the amount of acrylic used for hoof repair.
- P. Examination of Horses: The examination of horses for purposes of determining compliance with the Act involves an evaluation of the horse's movement and appearance, and the physical examination described below. Each examination must include all three components.
1. **Movement.** During the inspection, the DQP shall direct the custodian of the horse to lead, walk, and turn the horse in a figure eight, allowing the DQP to observe for signs of soreness.
  2. **Appearance.** At all times during the inspection, including during the physical examination, the DQP shall observe and evaluate the 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. The DQP shall look for evidence of prohibited substances, and prohibited or non-compliant paraphernalia or devices.
  3. **Physical Examination.** They shall digitally palpate the front limbs of the horse, from knee to hoof, with particular emphasis on the pasterns and fetlocks, as described in the applicable regulations and as instructed at the Horse Protection Commission DQP Training Clinics and as described in the USDA/DQP Training Manual.
- Q. Licensed DQPs who are also licensed veterinarians, may not conduct veterinary services while serving in the capacity of a DQP, with the following exceptions.
1. It must be an emergency situation.
  2. The horse owner or trainer must make the request for the veterinary/DQPs services through the event/show management.
  3. The horse owner or trainer requesting veterinary services must do so in writing by completing and signing the Request Form For DQP/Veterinary Emergency Services. Completion of this form constitutes acknowledgment that the treated horse must be withdrawn from participation from the event for the remainder of that day and night.
  4. The event/show management must also sign this form, giving their approval.
  5. The event/show management will keep a copy for their files, one copy will go to the horse owner or trainer, and the DQP will retain one copy and send the top copy to this commission office.
  6. The event/show management must make the request for the veterinary services of the DQP and put the inspection process and the show on hold until the DQP is available to resume his/her DQP duties.
  7. Upon this request, event/show management must call for the services of an outside veterinarian. Upon his/her arrival the DQP will resume his duties and position as the official DQP of the event.
  8. This commission will send one copy of the DQP/Vet. Request Form to the USDA, along with their DQP Reports.
- R. Inspections and Compliance with the Scar Rule
1. **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 found below. 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.

## 2. 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.

3. **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 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-finger nail 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.
- S. A DQP will disqualify any horse that he/she deems to be out of compliance with the Horse Protection Act and its regulations as amended, the rules of this commission, and/or the policies of USDA/APHIS.

### Section 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. 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.
- D. No action devices or other equipment will be removed from the horses legs, from the time it is applied in the inspection area, until it is brought before the DQP for post show/event inspection as required and the DQP requests for the action device to be removed.
- E. No one may touch the lower limbs of the horse (from the knee to the hoof) after it has been inspected and prior to entering the event, unless under the direct supervision of the DQP.

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- 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. Whips and/or cigarettes in the inspection area are prohibited.
- H. Tack trunks/grooming boxes in the inspection area and/or holding area are prohibited, unless inspected and approved by the DQP. All other items brought into the inspection and/or holding area are subject to DQP inspection.
- I. Unnecessary physical abuse to a horse 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 commission, 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, unless approved by the DQP.
- 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 HPC in writing.

## Section IV

### DQP Reports

- A. When a DQP assigned to the affiliated event finds that a trainer, owner, exhibitor and/or horse is not in compliance with these rules or the Horse Protection Act and its regulations as amended he will immediately notify the event management and the responsible persons of said findings.
- B. The DQP will write a report stating why and how the trainer, owner of record, exhibitor and/or horse are in violation of the Horse Protection Act and its regulations as amended, and/or the rules of this commission.
- C. The report will include a statement informing the responsible persons of the violations found, according to the schedule of violations, as set forth in the rules of this commission.
- D. 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.
- E. The DQP will 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 this commission. The DQP will ask them to read Section VI, Hearings and Reporting of the rules, pertaining to the process for a request for an appeal.
- F. This commission office will send a copy of the ticket, along with an explanation of the assessed penalties and/or fine, by certified mail, to the trainer, owner and exhibitor.
- G. The trainer, owner of record, exhibitor may waive the appeal by paying the fine.
- H. Reports.
  1. The report of the DQP will be submitted to this commission office within 72 hours after the completion of the event.
  2. The completed report will include the following information when applicable:
    - a. The name and address of the trainer.
    - b. The name and address of the owner.
    - c. The name and address of the exhibitor.
    - d. The horses name, age, sex, color, markings and ID number and breed.
    - e. The offense or violation committed by said person, and any other facts which this commission or the DQP deems advisable to submit.
    - vi. If any questions should arise as to the correctness of any information contained in any

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DQP report, this commission will resolve the matter and its decision will be final and binding on all parties.

- I. The DQP may request a copy of the entry form to verify all information given to him by the trainer, owner and/or exhibitor, before leaving the event grounds.

## Section V

### Violations

- A. The following is the schedule of violations to be ticketed by the DQP and the penalties, suspensions and/or fines to be assessed as a result of said violations.

All persons found to be in violation of the HPA and/or its regulations and/or the rules of this commission will be and will remain on suspension until the respective fine is paid in full. Respective horse will be suspended until all fines assessed against owner are paid in full.

1. **Group A Violations** - Trainer, owner of record, and/or exhibitor will receive penalties as follows (Ticket is to be issued).

All Violations = Ticket/Disqualified from class

- a. Illegal heel/toe measurement.
- b. Improper action device, including low chain(s), pre-show/event.
- c. Improper band(s), pre-show/event.
- d. Touching the lower limbs of the horse (from the knee to the hoof) after it has been inspected and prior to exhibiting in the event.
- e. Applying action devices and lubricants on horses being brought to inspection other than under the observation of the DQP.
- f. Fractious/unruly horse. A horse that cannot be thoroughly inspected by the DQP will not be permitted to show.

2. **Group B Violations** - Trainer, owner of record, and/or exhibitor will receive penalties as follows (Ticket is to be issued).

All Violations = Ticket/Disqualified from class /\$50.00 fine

- a. Evidence on the pastern of the horse of peeling and/or scurfing of the skin.
- b. Failure to have horse inspected pre-show/event.
- c. Failure to report back to DQP immediately after winning class/event.
- d. Improper action device(s), including low action device(s), post-show/event.
- e. Plastic wrap on the legs of any horse arriving or while on the event grounds, unless approved by the DQP.
- g. Improper band(s), post-show/event.

3. **Group C Violations** - Trainer, owner of record, and/or exhibitor will receive penalties as follows (Ticket is to be issued).

All Violations = Ticket/Disqualified from class /\$100.00 fine

- a. Scar rule violation.
- b. Illegal or foreign substance on pastern or hooves (Includes odors as well as visible signs of a foreign substance).
- c. Presenting a horse in any manner or the custodian doing anything that might cause the horse to not react to the DQPs examination (to include "stewarding").

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4. **Group D Violations** - Trainer, owner of record, and/or exhibitor will receive penalties as follows  
(Ticket is to be issued).

All Violations = Ticket/Disqualified from class /\$250.00 fine

- a. Sore, sensitive, unsound and/or showing a pain response in one foot of the horse.
- b. Skin cracked open, one foot (open lesions indicative of soring).
- c. Any person on suspension by the USDA or any USDA certified Horse Industry Organization, including this commission, presenting a horse for inspection, showing, warming-up, grooming, transporting a horse to the event, found to be in the barn areas and/or participating in any manner other than being a spectator in the stands at any event.

5. **Group E Violations** - Trainer, owner of record, and/or exhibitor will receive penalties as follows  
(Ticket is to be issued).

All Violations = Ticket/Disqualified from class /\$500.00 fine

- a. Sore, sensitive, unsound and/or showing a repeated pain response in two feet of the horse.
- b. Skin cracked open lesions in two feet (open lesions indicative of soring).
- c. Sore, sensitive, unsound and/or showing a repeated pain response (two feet) of the horse, after showing (post show).
- d. Refusal to provide the necessary information to the DQP.
- e. Refusal to have horse inspected after notification by event management, DQP or USDA.
- f. Refusal to allow the DQP to carry out any inspections to determine compliance with the Horse Protection Act and its regulations and/or the rules of this commission.
- g. Giving false information to any official of the event, including, but not limited to the DQP.
- h. Verbal abuse to anyone representing event management, DQPs, DQP commission members, USDA employees, while functioning in any official capacity at, or pertaining to any horse event (individual cannot show for remainder of event).

6. **Group F Violations** - Trainer, owner of record, and/or exhibitor will receive penalties as follows  
(Ticket is to be issued).

All Violations = Ticket/Disqualified from class /\$750.00 fine

- a. The following will constitute a Bad Image Horse. Horse must lead freely at all times while on the grounds of the respective event. Exhibition of reluctance to move and excessive shifting of weight to the hind end, and/or apparent pain on movement.
- b. The following will constitute a Bad Image Horse. In working horse, it must be level and not hopping or skipping.

7. **Group G Violations** - Trainer, owner of record, and/or exhibitor will receive penalties as follows  
(Ticket is to be issued).

All Violations = Ticket/Disqualified from class /\$2,000.00 fine

- a. Any horse found to be pressure shod.

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- B. Suspensions. 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 (including a suspension imposed by another HIO). 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 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 day after the date the notice was mailed, unless the person requests a hearing in accordance with the procedures in paragraph (2) below or 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.
  2. Opportunity For Hearing. 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 HIOs Hearing Committee. A person may obtain a hearing 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 a hearing will be deemed to be filed on the date it is received by the HIO. If a person fails to request a hearing within that time, the person shall have waived the right to a hearing, and the fine and/or suspension will begin on the twentieth day after the date the notice was mailed. Each request for a hearing should state the grounds therefore. The HIO Hearing Committee shall review each request for a hearing, and will make every attempt to set every case for hearing within 60 days of the date that the request was filed. The HIO Hearing Committee will inform the alleged violator of the date and location of the hearing at least 30 days in advance 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, no later than 30 days after the hearing. 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. This HIO shall, to the extent possible, endeavor to resolve each case within 120 days of the date of the alleged violation. Upon a finding of a violation of the HPA, the Regulations and/or rules of the HPC, 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.
- C. This commission 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.
- D. 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.
- E. 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 commission, 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.
- F. 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.
- G. Any post show violators of the Horse Protection Act and its regulations as amended and/or the rules of this commission 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.
- H. All HPA suspensions and penalties assessed by all other USDA certified Horse Industry Organizations will be honored by this commission.
- I. Liability. Those who transport, enter and exhibit horses in violation of the HPA shall be personally liable for monetary penalties and disqualification or suspension.

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- J. 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:
- a. **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.
  - b. **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.
  - c. **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.
  - d. **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.

## **Section VI**

### **Hearings and Reporting**

- A. 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 this commission's office within 20 days of the date of the notice.
  2. All requests for an appeal must be accompanied with the sum of 300.00, from the person requesting the appeal.
  3. Any individual wishing to appeal the ticket must make the request in writing to the Horse Protection Commission. 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 commission the sum equal to the imposed fine, but to be no less than \$300.00, 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 address in the hearing, to this commission office.

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- D. This commission 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 commission.
- F. This commission, 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, no less than 30 days prior to the date of the hearing.
- G. The matter will be heard by the committee selected by this commission. The decision of this Hearing Committee will be mailed to the person for whom the hearing was held, within 30 days of the date of the hearing, by Certified Mail.
- H. This commission will maintain a written record of all finally determined decisions for a period of no less than three years.
- I. If this commission 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 commission 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.

## **Section VII**

### **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 commission, until a hearing is held.
- B. All protests or charges will be processed as any hearing, through a Hearing Committee as described in Section VI 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 commission and will consist of three members of this commission.
- D. Notice of any suspension of a DQP's 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 commission or who carries out their duties and responsibilities in a less than satisfactory manner, as determined by this commission.

## **Section VIII**

### **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 commission 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 DQP's 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 DQP's 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.

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- G. Event management will inform all entries that the event is affiliated with the Horse Protection Commission, 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. Will make the Horse Protection Act and its regulations along with the Horse Protection Commission 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 commission 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 commission office within the time 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 commission to this commission office immediately following the event.

## **Section IX**

### **Other Horse Industry Organizations**

#### **(HIOs)**

- A. All finally determined HPA related suspensions forwarded to this commission office by other organizations with a USDA certified DQP program, will be enforced against the subject person or horse.
- B. This commission 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 commission.
- C. This commission will honor all HPA related suspensions and penalties assessed by all USDA certified HIOs.

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