

## Animal Welfare Policy

The Fund's Field Inspectors shall be trained in recognizing animal abuse and neglect by taking training such as the courses offered periodically to law enforcement personnel by retired State Trooper and animal welfare advocate Sue McDonough.

This training compels the inspector to call law enforcement immediately if they witness animal abuse such as overdriving, apparent abandonment or the chaining or confinement of an animal without apparent water, food or shelter.

In cases of possible animal neglect Field Inspectors shall fill out an Animal Abuse or Neglect Reporting Form which is modeled after the form which the New York State Department of Agriculture provides to its inspectors. The form requests objective observations about the conditions in which animals are living.

The Field Inspector shall supply the filled out Reporting Form to the Fund's Executive Director who will notify the Board Chairman of its receipt and contact the appropriate Sheriff's Department or Humane Society about the report. Should charges result, the Fund has the right to withhold monetary awards to individuals accused of and subsequently convicted of animal abuse or neglect.

§ 4081.7. Disqualification for cruelty\*\*, abuse or neglect\* of horses.

- (a) Any individual or any entity that is charged with the commission of a crime, offense or other violation of the law involving cruelty to, abuse or neglect of, any horses within the State of New York or elsewhere within the United States shall be required to report such charge to the fund within 10 days thereof. Upon notice of the charge, the individual or entity may be suspended from receiving breeder's awards, stallion awards and owners awards pending final disposition of said charge. The suspension of such individual or entity shall attach upon adoption of a resolution of the board. In the event of such suspension, the Fund Board shall provide written notification to the individual or entity who may request an opportunity to be heard. Such individual or entity shall not receive any breeder awards, stallion awards and owner awards, pending the final disposition of the charge. Said monies shall be placed in an interest bearing account pending final disposition of the charge.

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\***Animal neglect** or abandonment is a common type of **animal cruelty** where people do not provide adequate care for **animals** in their charge. The **neglected animal** may be their own pet, a farm **animal**, or wildlife. A **neglected animal** is not provided with proper food, water, veterinary care, shelter and socialization.

\*\***Animal Cruelty** Under NYS Law Examples of animal cruelty are: animal fighting, inadequate or improper shelter or care, animals being kept in filthy or unsanitary living conditions, abandonment, performing unauthorized surgery on an animal, maiming or killing of an animal, failure to provide food, drink or medical treatment, breeding animals, horses or farm animals improperly or not keeping them confined, and animal hoarding.

New York State Gaming Commission Rules and Regulations 9 NYCRR §§ 4000-4082.3  
Chapter I (Division of Horse Racing and Pari-Mutuel Wagering) Subchapter A  
(Thoroughbred Racing)

151 updated (5/14)

(b) In the event an individual or entity that is charged with a crime, offense or other violation of law described in subdivision (a) of this section is convicted, the commission shall be authorized to impose an appropriate remedy, including, but not limited to, declaring a forfeiture of awards and continuing the suspension or permanently barring such individual or entity from participating in the fund in any manner or from otherwise deriving any benefits or awards from the fund. In the event that the final disposition of a charge results in a forfeiture of awards, then any award monies that are so forfeited shall be distributed on a pro rata basis within each relevant awards category to all other participants of the fund in the year in which the final disposition occurred unless impracticable, in which event such monies shall be distributed in the following year.

(c) In the event an individual or entity that is charged with a crime, offense or other violation of law described in subdivision (a) of this section is acquitted or otherwise found to be not guilty of such a crime, offense or other violation of law, then such individual or entity, including any and all principals of such entity, shall have their suspension rescinded retroactively. In the event that the charge is finally disposed and results in the individual or entity being acquitted or otherwise found not to be guilty of such crime, offense or violation of law, then the awards plus interest that had been withheld from such individual or entity shall be paid retroactively to the date of suspension.

On any occasion when the owner/operator of a Thoroughbred farm wishes to prevent a field inspector from coming on to the property, they will be reminded that inspections are required for participation in the Fund's breeding programs.

Under § 4081.6. "Duty to cooperate."

Persons who breed Thoroughbreds in New York State for the purposes of registering foals with the NYS Thoroughbred Breeding and Development Fund must allow visits by members of the Registry Compliance team, aka Field Inspectors, and submit to the oversight of the Fund's Registrar.

(a) It shall be the duty of every person concerned with the steps required for registration to cooperate with the fund, its employees and agents in their attempt to verify eligibility requirements, including but not limited to:

- (1) affording such access to the premises and place where any horse may be personally seen and inspected during regular business hours;
- (2) furnishing relevant information and records as may be requested concerning eligibility requirements;
- (3) attendance and participation at interviews or proceedings concerning the eligibility of any horse for which such person may be able to furnish relevant information;
- (4) such other reasonable requests as may be made from time to time.

(b) If the fund finds that a person has failed to cooperate as required in this section, it may impose such sanctions as it deems appropriate, including disqualifying such person from breeder's awards, stallion awards, and purses earned in New York-bred races.

Should a person(s) withhold cooperation, that person shall be identified and the name provided to the full Board and Fund staff such that future registrations by that person will not be permitted unless and until said person has notified the Fund in writing of their willingness to follow all rules mentioned above in the Duty to Cooperate section.



NEW YORK STATE THOROUGHBRED BREEDING AND DEVELOPMENT FUND CORPORATION

WEBSITE: NYBreds.com

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Suspected Thoroughbred Neglect or Cruelty

Use this form to document all suspected incidents of Thoroughbred neglect or cruelty. The determination of whether your observations constitute neglect or cruelty is a legal determination. You should only report your observations without any conclusions.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Location of suspected Thoroughbred neglect or cruelty:

\_\_\_\_\_  
\_\_\_\_\_

How were you made aware of the situation (i.e., during a regularly scheduled farm inspection or from a tip)?

\_\_\_\_\_

Describe the suspected neglect or cruelty. Please be specific and only document facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of law enforcement agency contacted:

Agency Name Title

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Follow-up date and action: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Inspector's/employee's signature    Director's signature