

New York State Thoroughbred Breeding and Development Fund's Thoroughbred Welfare Policy

The Fund's Field Inspectors shall be trained in recognizing abuse and neglect of Thoroughbreds. This training shall be conducted periodically by law enforcement personnel, animal welfare advocates or other appropriate entities or organizations.

It is the express policy of the Fund that Field Inspectors shall contact law enforcement immediately if they witness circumstances in which a Thoroughbred is being subjected to abuse. By way of example only, Thoroughbred cruelty may include such things as overdriving and abandonment without food and water. After notification to law enforcement of apparent abuse, the Inspectors shall fill out a Thoroughbred Abuse or Neglect Reporting Form (attached) and provide same to the Executive Director. We note herein that it will be the decision of law enforcement whether the inspectors' objective findings constitute abuse.

The Executive Director shall notify the Fund's Chairman of such reports, and in cases of suspected neglect will contact the appropriate Sheriff's Department or Humane Society and inform the Chairman that the allegations have been forwarded to the appropriate authorities.

Should charges result from the reporting of abuse or neglect allegations to Law Enforcement, the Fund shall consider whether the disqualification provisions of Regulation Section 4081.7 are applicable.

§ 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.

(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 on which the owner/operator of a Thoroughbred farm wishes to prevent a Field Inspector from coming onto that property, the owner/operator will be reminded that inspections are required for participation in the Fund's breeding programs and that all participants have a duty under the Fund's governing regulations to cooperate with field inspections. Farm owners or their agents shall be advised that anyone who breeds Thoroughbreds in New York State for the purposes of registering foals with the NYS Thoroughbred Breeding and Development Fund must allow visits by field inspectors and submit to the oversight of the Fund's Registrar.

§ 4081.6. Duty to cooperate.

(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 an individual/entity withhold cooperation, the individual/entity shall be identified to the full Board and Fund staff such that future registrations by the individual/entity will not be permitted unless and until said individual/entity has notified the Fund in writing of their willingness to follow all rules specified above in the Duty to Cooperate section.

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