

SECTION V

VIOLATIONS, PROTESTS, DISCIPLINARY ACTIONS

2019 RULEBOOK

of the
American Shetland Pony Club
American Miniature Horse Registry
American Show Pony Registry
National Sport Performance Pony Registry
American Shetland Pony International Registry



SECTION V

VIOLATIONS, PROTESTS, DISCIPLINARY ACTIONS

1.1 Violations - Membership in the American Shetland Pony Club and participation in Club activities by non-members are privileges and carry with them certain responsibilities both in and out of the ring. Conduct by a member or non-member in violation of the Articles of Incorporation, Bylaws or Rules of the Corporation will subject the offending individual(s) to disciplinary action for the offensive conduct. In addition to the provisions contained elsewhere in these Rules, the following activities are considered violations of the Rules of the American Shetland Pony Club:

A. **Failure To Pay**

1. Failure to Pay when due, any obligation owed to the Corporation. This includes, but is not limited to registration fees, membership fees, advertising or other charges due The Journal, amounts due any sanctioned show, and the giving of a worthless check for entry fees, stall fees, office charges or other fees or charges, including bank charges for returned checks payable to the Corporation or to any sanctioned show.
2. Any person who makes payment with a nonnegotiable check or money order, or refuses to pay an entry fee, stall fee, etc., shall have their name and address reported in writing to the ASPC/AMHR/ASPR Office who will in turn notify the offender. Membership privileges shall be suspended if indebtedness is not settled within 30 days, the offender will be ineligible to show at any ASPC/AMHR/ASPR show until the indebtedness is settled. The ASPC/AMHR/ASPR will publish the offender's name, address and suspension in The Journal the official ASPC/AMHR/ASPR publication to notify other ASPC/AMHR/ASPR shows of such action.

B. Providing False Information - Providing false information to the Corporation for the purpose of registration or

transfer of any animal registered with the Corporation or for any other purpose, including but not limited to sanctioning of shows or other events.

- C. **Finding by a Court of Law** - A finding by any court of law or administrative body such as a state or federal Department of Agriculture for cruelty or inhumane treatment of any animal, whether or not registered with the Corporation.
- D. **Misappropriation of Funds** - Misappropriation of corporate funds by a member or non-member.
- E. **Engaging in the Following Conduct** - Engaging in any of the following types of conduct, while participating in Club activities:
 - 1. Offensive language or gestures.
 - 2. Physically assaulting another individual affiliated with the Club.
 - 3. Unsportsmanlike conduct, whether in or out of the show ring at any show sanctioned by the Corporation.
 - 4. Failing to treat officers, directors, employees or representatives of the Corporation with courtesy and respect.
 - 5. Cruelty or inhumane treatment of an animal, whether or not registered with the Corporation, in the show ring, stable area or show grounds will not be tolerated by the Corporation, and the offender may be barred from the show grounds for the duration of the show. It is the duty of the Show Steward to investigate alleged acts of cruelty or inhumane treatment. When practical, a veterinarian will inspect the animal(s) in question and submit a written report to the Steward. In the event a veterinarian is not available, the Steward and the Show Manager will inspect the animal and submit a written report to the Corporation. Only those instances of alleged abuse that are reported to the Corporation by a Steward in writing within five days of the completion of the Show will be referred to the Hearing Committee for consideration.

F. **Defamatory or False Statements** - Making defamatory or false statements about another member or the Corporation.

G. **Other Conduct** - Any other conduct deemed not in the best interest of the Corporation by the affirmative vote of a majority of the Board of Directors.

1.2 Disciplinary Procedure - Any member may be disciplined, censured, suspended for a period of time or fined when it shall have been established that such member has violated any provision of the Articles of Incorporation, Bylaws or Rules of the Corporation. Any nonmember participating in Club activities may be disciplined or denied any or all privileges of the Corporation when it shall have been established that such non-member has violated any provision of the Articles of Incorporation, Bylaws, or Rules of the Corporation.

A. Except as otherwise provided in the rules related to Stewards and Judges, the Hearing Committee shall have sole authority to investigate alleged violations. The Hearing Committee will act on complaints or reports that it receives when such complaints/reports are:

1. in writing; and
2. signed and dated by the individual(s) submitting said complaint/report.

Additionally, individuals submitting complaints/ reports to the Hearing Committee must agree to fully participate in any investigation or hearing that may be conducted by the Hearing Committee in order for the complaint/report to be acted upon.

B. If the Hearing Committee determines that there is sufficient cause to proceed with a hearing on the alleged violation, it shall so advise the Board of Directors. The Board of Directors shall determine whether a hearing should be held. In the event the Board determines that a hearing should be held, the Corporation shall give not less than five (5) business days' notice of the time and place for said hearing, at which time and place the individual shall have the opportunity, in person or in writing or via some other means, to present evidence on his or her own behalf and to hear and receive evidence against him or her.

1.3 Hearing Committee - The Hearing Committee shall set the date, time and location of the hearing.

- A. At the hearing, the Hearing Committee may receive evidence via live testimony, via telephone, in writing or via some other means such as videotape. Any person desiring to participate in the hearing via telephone should advise the Director of Operations of the Corporation at least forty-eight hours prior to the scheduled hearing. The notice should contain the name, address and telephone number of each individual who will testify via telephone. This provision is not intended to limit or preclude any other appropriate procedures for offering testimony or evidence at hearings.
- B. Continuances of any hearing shall be granted only at the sole discretion of the President of the Corporation.
- C. No member or non-member who is the subject of disciplinary procedures shall have the right to be represented by an attorney in connection with said disciplinary procedures.
- D. Upon completion of the investigation and hearing by the Hearing Committee, the Hearing Committee shall recommend their decision to the Board of Directors, which shall have final decision making authority for all disciplinary matters.
- E. During the period of any suspension, probation or censure of membership privileges of a member or denial of participation in Club activities by a non-member, the following additional provisions shall apply:
 - 1. The individual shall not be eligible to participate in any Corporation event, including but not limited to meetings, shows or other Club activities.
 - 2. The individual shall not be eligible to hold approved Judges' or Stewards' credentials or any other Corporation accreditation.
 - 3. Animals which are registered in the name of said individual, or are leased or otherwise associated with said

individual in any manner, are not eligible to participate in any Corporation event.

- 4 The individual member and other members in the same household shall not register or lease any animals, however the transfer of animals out of his/her name shall be allowed. Neither the individual nor their spouse, family members, partners or significant others may advertise in The Journal, nor may the individual's name or the names of his or her spouse, family members, partners or significant others appear in any advertisements in The Journal during the period of suspension. If publication or other factors make it impractical to stop advertising that is in violation of this Rule, then the advertising will be terminated as soon as is practicable.
 5. The individual shall not be eligible to serve as a Director or Officer of the Corporation during the time that said individual is subject to any disciplinary action, including suspension or probation.
 6. Written leases filed with the Corporation prior to the date of suspension covering animals owned by the individual shall be considered valid, and the signature of the lessee will be accepted during the term of such lease but for no renewal thereof.
 8. During the period of any suspension of privileges, failure to comply with these restrictions and any other conditions of said disciplinary action may constitute grounds for further disciplinary action.
- F. In connection with any disciplinary proceedings, the decision of the Board of Directors shall be published in The Journal.
- G An owner or lessee may be subject to disciplinary action if his/her animal and third party (i.e. trainer/exhibitor) is found guilty of a repeat offense.

1.4 Responsibility/ Liability - The Corporation will honor requests from members for copies of documents maintained by the Corporation only upon a showing of a proper purpose as required under the Illinois Not For Profit

Corporation Act. Accuracy of records furnished by the Corporation, either as hard copy, or on-line service, is warranted by the Corporation only to the extent of using its best efforts in the compilation thereof, and then solely for the benefit of the member requesting the record. All costs associated with the production of documents shall be borne by the member making the document request. Additionally, the Corporation reserves the right to refuse to produce any document that may be privileged from disclosure or which contain personal, financial or personnel data of individuals who have not consented to disclosure. Non-members shall have no right to receive copies of documents maintained by the Corporation other than through judicial means.

1.5 Litigation Expenses - The Corporation has adopted the following provision for the mutual benefit of members and with the intention of reducing the Corporation's litigation expenses, which expenses would ultimately be borne by members or non-members participating in Corporation activities. Every member, by joining the American Shetland Pony Club, or non-member participating in any activity of the Corporation, does hereby agree as follows:

- A. If unsuccessful in an attempt to overturn or challenge the Corporation's Articles of Incorporation, Bylaws, Rules or decisions of the Board of Directors, to reimburse the Corporation for its reasonable attorneys' fees, court costs and all other expenses incurred in connection with such action, whether or not the matter is the subject of court proceedings.
- B. Any action related to the Corporation or any of its officers, directors, employees, members, representatives or agents shall be brought in a court located in either Tazewell or Peoria County, Illinois.

1.6 Show Protest - All protests shall be handled according to the following rules.

- A. Any protest must be made in writing to the Show Manager or the Show Steward prior to completion of next five classes with entries. The protest shall be accompanied by

a \$200.00 deposit, which shall be returned to the protester in the event the protest is sustained. If not sustained, the local show management shall forward the \$200.00 to the ASPC/AMHR/ASPR National Office.

- B. Protests shall be adjudicated by a protest committee made up of all ASPC/AMHR/ASPR National Directors present, along with the Show Manager, and Show Steward (provided none are parties in the protest).
- C. The protest committee shall promptly meet and adjudicate the issue, make an effective decision upon the parties in interest, and report its determination to all parties. A show protest committee may disqualify a person and/or his or her entries for the duration of the show.
- D. The decision of the protest committee may be appealed to the ASPC/AMHR/ASPR Board, with an additional \$150.00 fee. The decision of the ASPC/AMHR/ASPR Board is final.
- E. Protests must be made by the owner, trainer, or exhibitor of a horse who is in the same class where the protest occurred.

1.6.1 Height Protest

- A. If a horse's height is protested, the protest must be in writing, accompanied by a \$200.00 deposit.
 - 1. The horse in question must be brought to a place designated by the protest committee within one hour of notification. Forfeiture is not allowed on a protest!
 - 2. The horse must remain in full view of at least one show official or designated person, until protest is finally resolved.
 - 3. Horse may not be trimmed, medicated, ridden, exercised, or otherwise altered prior to final resolution of the protest. Any such alteration will result in the disqualification of the animal for the remainder of the competition, with forfeiture of all prizes and entry fees paid by the owner. Forfeiture is not allowed on protest.

4. The horse shall be measured by the Show Steward (unless the Steward was the person who measured the horse in question, and then the protest committee shall appoint an official) with the same measuring stick as used at the show. The protest committee, the owner, trainer, or agent of the horse and the person filing the protest are to be present at the time of measuring.
5. If there is no discrepancy from the first measurement to the measurement after protest, the original measurement stands as official and a \$200.00 protest fee shall be sent to the ASPC/AMHR/ASPR Office with a report by the Show Steward.
6. If there is a discrepancy in measurements, the owner, agent, or trainer, of the horse may have the horse measured again (without paying a protest fee). The horse shall be repositioned and measured again. This measurement is final.
7. If a horse whose height is protested has left the show grounds, all expenses related to an official re-measurement must be paid by the person requesting the measurement. Prior to measurement, a deposit of \$200 is required by the ASPC/AMHR/ASPR. The ASPC/AMHR/ASPR will select a location and time (as convenient as possible) for the official measurement. The owner or trainer must deliver the animal to the location at his or her own expense. The measurement must be performed by at least two persons appointed by the ASPC/AMHR/ASPR including one registered Steward. Any animal submitted for an official measurement must show no evidence of lameness. The horse shall be measured in the same procedure described in the above rules of Height Protest. The person protesting is to be notified of the place and time of the measurement and has the option to be there or have a representative present. This measurement is final.

1.8 Horse or Pony Parentage Protest - A pedigree protest must be made in writing to the ASPC/AMHR/ASPR Registry to the attention of the President, Board of Directors and Director of Operation.

- A. The protester must give their full name, address, current phone number, and email address along with their current membership number in the filing.
- B. A reason must be given as to why protester believes said Miniature or Pony isn't who is being represented on the registration papers.
- C. A \$5000.00 protest fee must accompany the protest and can be payable by Cash, Cashier's Check, Money Order, or Credit Card. This money will be held in a separate account until such time that the protest is resolved by the Board of Directors.
- D. The Miniature or Shetland pony being protested will be DNA tested either by blood or pulling of mane and tail hairs, and such DNA shall be "parent qualify" (PQ) tested.
- C. The test will be done by a certified veterinarian under a controlled environment with two witnesses besides the owner of the horse.
- E. The cost of the DNA will be the burden of the owner of the animal until such time that the DNA & PQ test comes back proving that said horse and pedigree does match up.
- F. Then all testing costs that the owner of protested horse incurred will be reimbursed out of the \$5000.00 protest fee and if any attorney fees are accrued, then those will be paid out of the remainder of the protest fee.
- G. Once the DNA test returns the results of Miniature or Pony in question, then the President, Board of Directors and Director of Operation will rule accordingly.
- H. Protest fee will be returned if it is found that said Miniature or Shetland is found to NOT be what is represented, then the President, Board of Directors and Director of Operations will follow current By-Laws and rules regarding a member not in good standing and will act accordingly

