

ENFORCEMENT & PENALTIES

CHAPTER 9 - RULE ENFORCEMENT

RE901 - Purpose and General Responsibility

1. Each show within ESC's network is committed to providing a competition environment that promotes good sportsmanship, fair competition, and the highest standards of horsemanship. The welfare of the horse and the safety of exhibitors is paramount.
2. Each show shall be responsible for enforcement of the show rules and shall appoint a Show Commission composed of three adults with knowledge of the show rules.
3. The members of the Show Commission shall be designated at least 30 days prior to the date of the horse show and their names shall be published in the show's prize list and/or on the show's website.

RE902 – Reporting & Investigating Conduct Violations

1. All violations of these rules other than drug and medication violations shall be considered Conduct Violations. A participant or show official may lodge a complaint alleging a Conduct Violation against an exhibitor, trainer, rider, handler, show official, or groom.
2. Conduct Violations shall be determined by the Show Commission.
3. If a complaint alleging a Conduct Violation is lodged during the show, the Show Commission shall, when practicable, investigate the complaint and make a determination prior to the show's conclusion.
4. If the complaint cannot be fully investigated and determined prior to the show's conclusion, then the Show Commission shall complete its investigation and determination thereafter and shall notify the accused of the determination no later than 15 days following the conclusion of the show. Notification shall be made in writing and sent via electronic mail and regular mail.
5. Any complaint that is not lodged during the horse show shall be made within fifteen (15) days of the show's conclusion and shall be sent via electronic mail and regular mail to the Show Commission at the address provided in the prize list.
6. The Show Commission shall thereafter convene an investigation, and a determination shall be made no later than thirty (30) days following the conclusion of the show. Notification shall be made in writing and sent via electronic mail and regular mail to the accused.
7. The decision of the Show Commission shall be made in writing and provided to both the accused and to ESC. In the event that the Show Commission finds that an accused committed a Conduct Violation, the Show Commission shall offer to the accused in writing an Acceptance of Penalty in accordance with the Table of Penalties set forth herein. The accused may accept or reject the Acceptance of Penalty.
8. If the accused refuses the Acceptance of Penalty, such refusal must be made in writing and provided to the Show Commission and to ESC via electronic mail and regular mail within five (5) days of the offer of Acceptance of Penalty. The Penalty shall then be implemented unless the accused proceeds with an Administrative Hearing under RE 1105.

RE903 - Drugs & Medications Rule Violations

1. In the event that the results of a drug test performed pursuant to DM800 et seq. show a violation of these rules (D&M Violation), the results shall be transmitted to the Show Commission and to ESC by the third-party testing facility.
2. “Responsible Person(s)” include the owner(s), trainer(s), rider(s), and/or handler(s) of a horse exhibited at an ESC affiliated show.
3. Within fifteen (15) days of receipt of notice of a D&M Violation, the Show Commission shall notify the Responsible Person(s) of the test result and offer an Acceptance of Penalty in accordance with the Table of Penalties set forth herein. Notice shall be provided in writing via electronic and regular mail.
4. If an accused refuses the Acceptance of Penalty, such refusal must be made in writing and provided to the Show Commission and to ESC via electronic mail and regular mail within five (5) days of the offer of Administrative Penalty. The Penalty shall then be implemented unless the accused proceeds with an Administrative Hearing under RE 102.

RE904 – Administrative Hearings

Administrative hearings shall be conducted by a neutral third party arbitrator.

RE905 – Administrative Hearing Request

To request an Administrative Hearing, the requesting party must submit a \$1000 filing fee payable to ESC within five (5) days of the refusal of the offer of Acceptance of Penalty. ESC will then provide a list of at least two (2) available third party neutrals.

RE906 Hearing Location

The hearings shall take place via videoconference.

RE907 Costs of Hearing

The arbitrator shall have the discretion to impose the costs of the hearing on either party or apportion them between the parties. The hearing process shall not exceed a total of five (5) hours at a fixed per hour rate of \$500 per hearing officer, unless the parties agree otherwise, and the arbitrator approves. Neither party shall be responsible for the opposing party’s attorneys’ fees under any circumstances, and the arbitrator shall not have the discretion to award attorneys’ fees or a party’s costs, other than the costs charged by the arbitrator for the hearing.

RE908 Manner of Hearing and Finality of Decisions The hearing shall be conducted in accordance with standard administrative procedures including the right to call witnesses, present evidence, and cross-examine witnesses. The Decision by the arbitrator or hearing officer shall be final and binding. By competing in an ESC affiliated competition, all participants including, but not limited to, exhibitors, owners, trainers, riders, and/or handlers waive the right to file a lawsuit in any court to seek review of an Administrative Hearing Decision, and agree to indemnify the Show Commission and/or ESC for all attorneys’ fees and costs of defending any such action brought by an exhibitor.

RE909 Table of Penalties

Penalties are assessed according to the level of severity of the violation. The following penalties may be implemented by the Show Commission or the Administrative Hearing Officer or Panel upon a determination that a violation has occurred. Infractions and Suspensions can be found at EquineSportsCouncil.org/info

a. Severe Infraction Penalty

The following are considered Severe Infractions:

1. D&M Violations involving a Class 1 Medication
2. D&M Violations involving “Stacking” or “Cocktailing” medications such as NSAIDS.
3. Conduct Violations involving the welfare or safety of a horse or other animal on show grounds.
4. Unsportsmanlike conduct, harassment, or abuse of a person on the show grounds.

For any violation that is determined to be a Severe Infraction, the following penalties may be imposed:

1. Immediate Loss of Ribbon & Points
2. 3-6 Month Suspension
3. \$500 fee per Infraction
4. Recorded on ESC Infraction List for the duration of the suspension period.

b. Medium Infraction Penalty

The following violations are considered Medium Infractions:

1. D&M Violations involving a Class 2 through Class 4 medication or the use of banned training devices or equipment
2. Showing with incorrect shoeing to gain a competitive advantage
3. Falsifying entries and/or showing in classes where eligibility criteria are not met or where an unfair advantage is gained.

For any violation that is determined to be a Medium Infraction, the following penalties may be imposed:

1. Immediate Loss of Ribbon & Points
2. Possible 30 Day Suspension
3. \$300 fee per Infraction
4. Recorded on ESC Infraction List for 30 days

c. Lesser Infraction Penalty

Lesser Violations are primarily violations to administration guidelines such as bounced checks, uncollected office fees, or actions that are mischievous vs. harmful or dangerous. For any violation that is determined to be a Lesser Infraction, the following penalties may be imposed:

1. Possible Loss of Ribbon & Points
2. Public Written Warning
3. Suspended until Debt has been Paid
4. \$100 fee per Infraction
5. Recorded on ESC Infraction List for 30 days, or until debt is paid, whichever comes later.