



11. DQPs

11.1 Definition

A DQP is a Designated Qualified Person trained to detect a horse which is sore and to otherwise inspect horses for the purposes of enforcing the HPA and NWA Rules.

The initials DQP in these Rules applies throughout to Recognized DQPs. A Recognized DQP licensed by the NWA is a representative of show or sale management.

Designation as a NWA DQP is bestowed by the NWA according to procedures formulated by it, to individuals, whose equine expertise and personal character merit the designation. An individual's conduct and ability as a DQP must be exemplary and is subject to continual review.

In an effort to eliminate conflicts of interest, real or perceived, NWA will approve only individuals not involved, and whose immediate families are not involved, in the training, showing, breeding, boarding or tutoring of a Walking Horse or its rider as the principle source of income. A person that trains Walking Horses can be approved as a DQP to work shows that do not include Walking Horses.

11.2 Enrollment of DQPs

Application must be made on the official form furnished by the NWA and accompanied by the required fee which is not refundable. No application shall be considered unless and until references are returned.

Fees for a DQP card are as follows: (1) \$25 for initial application, which is not refundable; (2) \$25 for annual renewal.

The NWA shall act upon every application for enrollment and annual renewal of DQPs. The DQP Director will consider only those applications made on the official form and accompanied by the fee which is not refundable. If approved, the applicant will be furnished an examination paper which must be answered and returned to the NWA for review. Each applicant whose examination paper receives a mark of 80% or better and who has apprenticed two or more shows may be issued a DQP card good for the calendar year only.

11.3 Annual DQP Refresher Course

After the first year, all recognized DQPs must attend a four hour refresher course each year conducted by the NWA. It is the DQP's responsibility to attend these classes at their own expense. Failure to attend a four hour refresher course in a calendar year will mean the DQP's license will be automatically revoked.

11.4 Regulations Governing DQPs

- A. A DQP working a particular show is ineligible to serve at that show as President, Chairman, Secretary, other show officer, manager, other show employee or exhibitor.
- B. Failure of a DQP assigned by the NWA without due cause to attend the show or sale or perform his duties in accordance with the Rules shall constitute cause for disciplinary action. (A DQP unable to attend a function to which he/she has been assigned must notify the NWA DQP Director immediately.)
- C. A DQP must be assigned by the NWA DQP Director before he can serve as DQP at an affiliated or non-affiliated show or sale.
- D. A DQP is prohibited from visiting with or communicating with exhibitors while working a horse show except in the course of carrying out his/her official duties. Exhibitors are allowed in the inspection area only when presenting an entry for inspection.
- E. A DQP's immediate family is prohibited from showing at a show where that DQP is working.



11.5 Cancellation of DQP Approval

The NWA, having a DQP program certified by the USDA, shall issue a written warning to any DQP who violates the Rules, regulations, bylaws or standards of conduct promulgated the NWA pursuant to this section, or who carries out his duties and responsibilities in a less than satisfactory manner, and shall take any DQP off of the NWA Approved DQP List after a second violation. After a DQP has been dropped from the approved list, the DQP may, within 30 days thereafter, request a Hearing before the Independent Hearing Committee. If the committee upholds the dismissal of a DQP, the DQP may appeal the decision of such committee to the USDA Deputy Administrator within 30 days from the date of such decision, and the Deputy Administrator shall make a final determination in the matter. If the Deputy Administrator finds, after providing the DQP who has been dismissed with a notice and an opportunity for a hearing, that there is sufficient cause for the committee's determination regarding the DQP's dismissal, he shall issue a decision sustaining such determination. If he does not find that there was sufficient cause to dismiss the DQP, the NWA shall reinstate the DQP.

The NWA shall dismiss any DQP in its program who has been convicted of any violation of the Act or regulations or of any DQP who has paid a fine or civil penalty in settlement of any alleged violation of the Act or regulations if such alleged violation occurred after July 13, 1976.

A DQP may be suspended from his/her official duties by the NWA DQP Director or otherwise disciplined with or without formal notice.

11.6 Authority

- A. A DQP should clearly understand that he has no authority in connection with the management or the judging of a show. He/she is the representative of the NWA and should point out in a diplomatic manner any instance where NWA Rules are not enforced. He/she should not dictate to the Judges or management but should immediately report to the appropriate officials any violations of the Rules, which provide that only sound horses are shown. He/she should keep himself/herself available to Judges, exhibitors and management at all times to investigate any alleged violation of the Rules.
- B. A DQP has the authority and will disqualify from competition or sale any horse found in his /her opinion to be in violation of the HPA or NWA regulations.
- C. All horses become subject to the authority and jurisdiction of the DQP when they are brought upon the show grounds, except when same are under judgment inside the show ring.
- D. The method and manner of determining the eligibility of horses to show shall be within the sole discretion of the DQP.
- E. In shows using both a veterinarian and a DQP, any horse declared ineligible to show by either one shall not be allowed to show.

11.7 Duties

- A. To assist Show Management.
- B. To report to the Show Committee any misrepresentation or substitution of entry without waiting for a Protest.
- C. To report to the Show Committee, any offense or violation of the Rules and prefer charges against the violator.
- D. To report to the NWA DQP Director any violation of the rules that is not properly handled by Show Management in the opinion of the DQP.
- E. To report to the NWA DQP Director any exhibitor or trainer who has failed to comply fully with the provisions of the Rules of the NWA regarding the showing of only sound horses.
- F. To appear upon the request of the NWA at any and all Hearings involving the DQP program.



G. To transmit to the NWAH DQP Director by mail, within 48 hours of the conclusion of the show, the following information:

1. Class sheets on every class inspected.
2. A total number of the different breeds inspected at each show.
3. A written report of any offense or violation of the HPA or the NWAH Rules on every show or sale inspected.
4. A written report if there were no violations found on every show or sale inspected.
5. A copy of the premium list and/or program on each show.
6. A program or catalog on every sale.
7. A total number of the horses inspected at each sale.

Note: All reports must be turned in to the NWAH DQP Director within two days after completion of every show or sale on forms furnished by the NWAH. Failure of a DQP to get his report in the office on time could result in disciplinary action up to the loss of the DQP's license.

11.8 Responsibilities

- A. A DQP shall keep him/herself well aware of all USDA and NWAH Rules and regulations and have an updated copy with him/her at the shows or sales in which he/she works.
- B. A DQP shall not work a sale or show without prior notification and assignment from the NWAH DQP Director.
- C. A DQP shall maintain and have present at each show, sale or event, the equipment and tools necessary for DQP inspection procedures such as DQP Tickets, DQP Reports, hoof testers, a flexible tape measure, a driving hammer, calipers and a ruler.

11.9 Inspection procedures

- A. The only persons allowed in the inspection areas are the exhibitor and one assistant, the assigned DQPs, clerical assistant to the DQP, DQP apprentices who are apprenticing at that show, NWAH officials, USDA/APHIS personnel with legal authority as set fourth by the HPA.
- B. The exhibitor/rider must be dismounted during the inspection of the horse.
- C. The DQP will inspect horses no more than three classes ahead of the time the inspected horses are to be shown, when the show has 150 horses or more.
- D. The DQP will inspect horses no more than two classes ahead of the time the inspected horses are to be shown, when the show has less than 150 horses.
- E. Inspected horses will be held in a designated area that is under observation by the DQP or APHIS representative.
- F. Horses will not be permitted to leave the designated area after they have been inspected and before showing. Horses leaving the designated area after being inspected and prior to exhibition, showing, or sale will be subject to re-inspection.
- G. The DQP will have the horses walked and turned in a figure eight, allowing the DQP to observe for signs of soreness.
- H. The DQP will instruct the custodian of the horse to hold the reins no less than 18 inches from the shank of the bit.
- I. The DQP will do a physical examination of the horse's pastern area on both front limbs and may inspect the pastern area of the hind limbs.



- J. The DQP will check the horse for pressure shoeing with a small hammer and/or hoof testers.
- K. 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 DQP's examination or if it is unruly or dangerous to the DQP or to persons in the area. Such horses will be disqualified without inspection.
- L. The DQP may carry out additional inspection procedures as he/she deems necessary to determine whether the horse is in compliance with the HPA and its regulations and the rules of this association.
- M. 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 supervision of the DQP.
- N. The DQP will not take an unreasonable amount of time to perform the inspection procedures.
- O. When the class is over, the first place horse must return to the DQP area for post-show inspection immediately upon leaving the ring area. If an entry is found to be in violation of the HPA or NWHHA rules, the class will be retied.
- P. The DQP may request that any horse report to the inspection area for inspection, post show or event.
- Q. The DQP has the right to inspect all non-trotting breeds of horses and any records pertaining to such horses that enter the event, for the purpose of enforcing the HPA.
- R. The DQP may monitor such areas at various times during the time he/she is on the grounds officiating.
- S. The DQP will discriminate in the allocation of his/her time and will not deter from his/her 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.
- T. In the case of large or multi-day shows or events, requiring or providing the stabling of horses, the DQP should arrive on the show or event grounds no less than one hour prior to the event's scheduled starting time, for the purpose of monitoring the unloading, preparation, warm-up, and barn areas. The DQP should arrive on the show or event grounds no less than one hour prior to the event's 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.
- U. The DQP will be observant for the use of prohibited substances and is empowered to inspect leg wrappings and shipping boots only in the presence of show management and the owner/agent of the horse.
- V. For the purposes of examining those horses showing signs of soreness, while in the preparation area, warm-up arenas, or anywhere on the show grounds, 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 HPA.
- W. DQP has the authority to require the removal of all hoof coatings that may disguise the amount of acrylic used for hoof repair. Further, the DQP has the authority to require the removal of shoes if his/her inspection causes reasonable suspicion of evidence of pressure shoeing.



12. Violations, Penalties, Charges, Protests, and Hearings

12.1 *Affected Individuals, Firms, Corporations or Partnerships*

The provisions of these Rules shall apply to all owners, exhibitors, agents, trainers, managers, riders, show officials, show employees, members of the families or employees of the above, participating either individually, or as a member of an entity, or any person at a show or sale affiliated with the NWHHA who acts in a manner in violation of the Rules of the NWHHA .

- A. Any act at a show in violation of the Rules by a member of the family or employee of a person participating in the show who is described in the previous sentence, may be deemed to have been committed by such person and subject him to penalties.
- B. Any person, firm, corporation or partnership or any other entity granted any right, privilege, authorization, or license, or accepting any benefit from the NWHHA shall be deemed to have contractually agreed to fully cooperate with all duly appointed committees, agents, and employees in enforcement of all Rules, regulations, and order of the NWHHA.
- C. Any person, firm, corporation, partnership, or other entity granted any right, privilege, authorization, or license, or accepting, receiving, or exercising same, may be required to give evidence or testimony in any investigation, hearing, trial, or other proceeding held by duly appointed representatives of the NWHHA in connection with investigation of possible violation and enforcement of these Rules.
- D. Any violations and penalties applicable by the NWHHA shall apply equally to all horse shows, sales and exhibitions affiliated with the NWHHA.

12.2 *Violations*

A violation is any act committed at an affiliated event prejudicial to the best interest of the NWHHA, including but not limited to the following specific acts:

- A. Failing to settle unpaid fines.
- B. Showing or exhibiting or attempting to show or exhibit while under suspension.
- C. Showing or exhibiting or attempting to show or exhibit a horse that is under suspension.
- D. Penalization by another Horse Affiliating or Sanctioning Association that has a USDA DQP certification program, or Court of Law for violation of NWHHA Rules or HPA.
- E. Acting or permitting any other to act in a manner contrary to the Rules of the NWHHA, or in a manner deemed improper, unethical, dishonest, unsportsmanlike or intemperate, or prejudicial to the best interest of the NWHHA.
- F. Committing any act or making any remark considered offensive and/or having been made with intent to influence or cast aspersions on the judging.
- G. Failing, as an exhibitor or his representative, to sign the entry blank of a show in which he competes.
- H. Treating a horse cruelly.
- I. Failing to observe any penalty imposed by the NWHHA.
- J. Influencing or attempting to influence by any means or manner any DQP in determining the eligibility of any horse entering any class at any affiliated show or event.



12.3 Penalties for Violations Reported by the DQP

- A. Violations and penalties will be applicable at all shows, sales, and exhibitions where there is a licensed DQP. (See accompanying Penalties Charts.)
- B. Any horse turned down for unsoundness, open lesions, or bad image (to include Scar Rule and Sore violations) cannot be presented for inspection to be shown for the remainder of the show or sale.
- C. For suspension purposes, one month equals 30 days. Penalties are applied to the exhibitor (unless 17 years of age or under), trainer, and owner. Penalties for scar rule, bad image, unilateral and bilateral soreness have a 3-year time limit. Individuals with no additional violations for 3 years after a suspension has been served will be treated as first offenders for any subsequent offense of a similar nature. Penalties for the remaining violations in the Penalties Chart will be similarly removed after the end of each calendar year. All penalties in the Penalties Chart are cumulative and cannot be served concurrently.

PENALTIES for VIOLATION OF THE HORSE PROTECTION ACT AND NWSHA RULES

Category		Penalty for Each Offense			
		First	Second	Third	Subsequent
I.	Pressure Shoeing*	5 years	Life		
II.	Shoe exceeds weight limit	3 months & \$500 fine	6 months & 2,000.00 fine	LIFE	
III	Bilateral Soreness, Bad Image	8 months	2 years	5 years	Life
IV.	Scar rule	2 weeks	2 months	1 year	2 years
V.	Unilateral soreness	2 months	6 months	1 year	3 years
VI.	Bilateral Open Lesions	2 months	6 months	1 year	3 years
CATEGORY I, II, III, IV, V AND VI post-show violations will result in forfeiture of prizes and re-tying class					
VII.	Pre-show Technical violations:	Disqualified from showing/exhibiting/selling			2 weeks
<ul style="list-style-type: none"> a. Illegal shoeing b. Foreign substance on pasterns or hooves, which includes odors as well as visible signs of a foreign substance c. Scurfing on the pastern area d. Presenting a horse in any manner or the custodian doing anything that might cause the horse not to react to DQP's examination. Horse's tail must hang free. A horse presented for inspection shall be controlled by the custodian holding the reins approximately 18 inches from the bit shank. Using whips, cigarette smoke and/or actions and paraphernalia in an attempt to distract a horse during examination is prohibited. 					
VIII.	Post-show Technical violations:	2 weeks	4 weeks	6 weeks	8 weeks
<ul style="list-style-type: none"> a. Illegal shoeing b. Failure to present a first-place winner or any other horse requested by Show Management, the DQP, or USDA for re-inspection immediately following a class c. Presenting a horse in any manner or the custodian doing anything that might cause the horse not to react to DQP's examination. Horse's tail must hang free. A horse presented for inspection shall be controlled by the custodian holding the reins approximately 18 inches from the bit shank. Using whips, cigarette smoke and/or actions and paraphernalia in an attempt to distract a horse during 					



Category		Penalty for Each Offense			
examination is prohibited.					
IX.	Unruly/Fractious horse (does not carry over to subsequent shows) Unilateral Open Lesions	Disqualified from class Disqualified from show/sale	Disqualified from show Disqualified from show/sale		
X.	Other Violations	Penalty assessed at the discretion of the Director of Operations			
	a. Giving false information b. Failure to have a horse inspected before entering the show/sale ring c. Refusal to provide requested information to DQP d. Presenting for inspection or being in control of a serviceably unsound horse not associated with soring or abuse				
XI.	Show/Sale Grounds violations - Working a flat-shod horse on show/sale grounds with any action device	2 weeks	4 weeks	6 weeks	8 weeks

*** Pressure Shoeing: Abusive Shoeing: Abusive shoeing of a horse that causes it to suffer pain or distress or lameness when walking, trotting or otherwise moving, or inflammation or soreness regardless of movement. Insertion of any object or material between the shoe and the hoof.**

12.4 Verbal or physical abuse

Verbal or physical abuse to anyone representing NWHHA, Show Management, Judges, DQPs, USDA, Employees or Directors, while functioning in any official capacity at, or pertaining to, any horse show, sale, etc. will require mandatory appearance before the Hearing Committee.

12.5 Reports filed by show management

Any report filed by Show Management, or any Judge or Judges, showing that a horse was excused or dismissed from the ring for a violation as provided herein will be penalized in the same manner as violations reported by a DQP. Exception: Bad image in the show ring that is not a sore horse.

12.6 Jurisdiction of NWHHA

The NWHHA shall have final jurisdiction in all matters pertaining to restrictions levied for any violation of the Rules, or any prejudicial act, and may order suspensions and penalties including but not limited to the following. Failure of any person, firm, or corporation to comply with any penalty or punishment assessed hereunder, shall result in automatic suspension of all licenses and privileges until said order is complied with.

12.7 General

A. Any person found guilty of a violation of the NWHHA Rules may be subject to suspension for any period from showing or having others show, exhibit or train for them. A suspended person is forbidden for the time specified in the sentence to hold or exercise office in the NWHHA or any Affiliated Show, and may be excluded from all show grounds during Affiliated Shows, as an exhibitor, participant or spectator. Any person on probation cannot serve on NWHHA Board or committees during the duration of probation.



- B. Any person suspended by the USDA is automatically suspended by the NWHHA for the period of the USDA suspension. The NWHHA may levy any other such penalty against the person as deemed appropriate. A person suspended by USDA cannot present a horse for inspection or warm the horse up on the show grounds.
- C. On receipt of official notice that disciplinary action has been taken by another Horse Association, or Court of Law against a person for an Act which may be a violation of NWHHA Rules, an officer of the NWHHA may make a charge against such person, and the NWHHA may take such action as it deems in its own best interest.
- D. A horse or horses, completely or partly-owned, leased or of the stable of such person may be suspended for any period. The NWHHA may at a later date remove the suspension of said horse or horses if a sale thereof is made in such manner as to be a bona fide transaction and not with the intention of relieving the suspended owner of penalty.
- E. Any volunteer or any employed person who assists, rides, exhibits, or grooms for the benefit, credit, reputation or satisfaction of the person disciplined may be suspended for any period.
- F. Any Show Official, not in compliance with NWHHA Rules, may be suspended from his official duties by the NWHHA.

12.8 Suspensions

- A. The suspension shall begin on the first day after the violation is entered on the permanent record of the NWHHA. All suspensions will be assessed so as to run during the show season, beginning March 1st and ending November 31st.
- B. Any suspension which has not been satisfied at the conclusion of the current show year must be completed in the succeeding year before that person is eligible to resume showing or exhibiting at affiliated events.
- C. Any person who desires his/her suspension to commence running before the twenty day period allowed for requesting a Hearing shall file a written statement with the NWHHA stating that he/she accepts the charge and requests the suspension begin immediately. In this event, the applicable suspension days will begin running on the postmarked date of the letter or facsimile (FAX) transmission to the NWHHA.
- D. Horses will be suspended from showing or exhibiting on the same basis provided herein for the suspension of persons, with the exception that no monetary fine will be levied against the owner of a horse which receives such accumulation of weeks as to be suspended for the remainder of the calendar year. All suspensions against the horse will be assessed so as to run during the show season, beginning March 1st and ending November 31st. Any suspension assessed against a horse shall continue for the prescribed period regardless of the location of said horse during the period of suspension. If said horse is sold, traded or otherwise disposed of, the weeks accumulated and/or any suspension shall remain against said horse. Upon receipt of a Transfer/Bill of Sale, the NWHHA shall notify the new owner of the penalty that's assessed against the horse. The new owner shall have the same rights regarding protesting the assessment of weeks as prescribed herein above for persons. Exception: Horses shall not be assessed weeks for responsible person having provided false information.
- E. In classes where professionals can show, the rider of the horse, if he/she is a professional, shall be responsible for the condition of the horse, and shall be considered to be the responsible person.
- F. All weeks entered against a person's or horse's record shall be removed at the end of the calendar year. This does not affect suspensions carried over into the next year.



12.9 Immediate disqualifications

Penalties resulting in immediate disqualifications-qualifications and/or return of premiums include but are not limited to:

- A. Misrepresentation of a horse's identity, name, height, age, eligibility for the class, registered or recorded name, owner of record, or other information on any entry blank, or substitution in the show ring of an entry other than the one named for the class in question which shall result in the exhibitor's forfeiture of any ribbon, trophy, cash prize and other award won by such misrepresented or substituted animal, and shall render the exhibitor liable for further penalty. The class will be re-tied.
- B. Voluntarily removing a horse from the ring without the permission of a Judge, for which the rider and all animals under his care and training may be disqualified from all future classes at that show by the Show Committee and caused to forfeit all prizes and entry fees for the entire show.

12.10 Additional penalties

Any person, firm, or corporation found guilty of violating any rule or regulation of the NWHHA shall be subject to any or all of the following penalties as may be prescribed by the NWHHA:

- A. **Censure:** The NWHHA executive committee may vote to censure a person. If found guilty of a further violation, the defendant shall be subject to a heavier penalty than for a first offense.
- B. **Expulsion:** Expulsion from all Affiliated Shows, sales or exhibitions.
- C. **Forfeiture:** Forfeiture of any prizes or premium won by an exhibitor while in violation of these rules and regulations.
- D. **Fine:** Fine of not less than \$10 nor more than \$5,000.
- E. **Probation:** Probation for any period of time up to one year from the date of decision or, if suspension is levied, from the date the suspension is terminated. Probation shall be a time during which the conduct of the person is scrutinized carefully by the NWHHA and should violation be filed against said person he is automatically suspended from all rights and privileges until the Hearing, without action of the Hearing Committee.
- F. **Suspension or cancellation** of any privileges issued or granted by the NWHHA.

12.11 Notification:

- A. Any notice, document, instrument, or other paper required to be served on any person, unless otherwise specifically provided, shall be served upon such person by certified United States mail addressed to the last known post office address of such person. When the same has been deposited in the United States mail it shall be considered delivered and served.
- B. The NWHHA shall notify the management of every Affiliated Show of persons on suspension.
- C. The NWHHA may report disciplinary action taken to another Horse Association if in their opinion such course is advisable for the protection of mutual interest.



12.12 Jurisdiction of Show Management, Complaints, Hearings:

Whenever any person, firm or corporation, hereinafter called and referred to as the complainant, believes that his, her or its rights have been infringed upon, or that another person, firm or corporation, hereinafter referred to as the accused, has violated the rules and regulations of the NWHSA, the following procedures shall be followed:

- A. Violations of rules pertaining to the following matters shall be subject to jurisdiction of Show management as hereinafter provided.
 - Action devices used by an exhibitor which are prohibited by these rules.
 - The exhibiting of any horse in a class which said horse or exhibitor is ineligible to participate or compete in.
 - The exhibiting of any horse which is shod in a manner found to be in violation of these rules.
 - It is mandatory that any complaint or protest regarding the measurement of a horse be heard by Show Management.
- B. If a complainant has reason to believe that an accused has violated any of the foregoing rules and wishes that matter investigated, he must file a written statement with Show Management stating the following:
 - The name and number of the exhibitor and horse.
 - The class in which the horse was exhibited.
 - The rule that the complainant believes was violated.
 - The manner in which the rule was violated.
 - The name and address of the complainant.
- C. The complainant shall submit his written statement to Show Management, along with the sum of \$200 before the completion of the final class of the show. If the complaint concerns an infraction in the last class, the complainant shall immediately notify Show Management that he intends to file a complaint and he shall have 30 minutes thereafter to submit said written statement the day of the show.
- D. Show Management shall then take such steps as it deems necessary to make a determination of the matter and shall render a decision as quickly as possible.
- E. If the decision of Show Management is in the favor of the complainant, the \$100 shall be returned to the complainant. Show Management shall also order the accused disqualified and to forfeit any prizes or money which the accused may have received. Any exhibitor who was placed or tied below the accused shall be advanced one place in the final order. If only one judge was used in the class, then he shall immediately tie one more exhibitor for last place.
- F. If either the complainant or the accused objects to the decision of Show Management, an appeal may be taken to the NWHSA.
- G. After making its decision, Show Management shall cause a written report to be filed with the office of the NWHSA. The report shall contain a short statement of the procedure followed by Show Management in the handling of the matter and a finding of facts, and the decision arrived at. Said report shall be filed whether or not an appeal is taken.
- H. If the decision of Show Management is appealed, the Hearing Committee shall hear the matter following the procedure as prescribed in these Rules for filing an initial Complaint, **Section 14. F.2** at its next scheduled meeting, or at some later meeting if it determines that more time is needed. The Hearing Committee shall hear the matter on the written statement and findings of facts filed by Show Management and determine if the decision arrived at was proper, based on the facts found by Show Management. If the written findings of facts submitted by Show Management are incomplete or unclear, the Committee may continue the matter and ask Show Management to submit additional findings of facts.



- I. If an appeal is taken from Show Management's decision, then the matter shall be held in abeyance until the appeal is heard and Show Management's decision shall not be put into effect until instructed to do so by the Hearing Committee.
- J. Any exhibitor who fails to return any prize or money ordered forfeited by Show Management shall be disqualified from showing until said order is obeyed, unless an appeal is taken to the Hearing Committee.

12.13 *Disciplinary Policies and Procedures*

- A. The NWA Executive Committee is the responsible body within NWA for the administration of justice concerning NWA matters as promulgated through NWA Rules and Regulations.
- B. The Executive Committee, though ultimately responsible, shall delegate to the Hearing Committee the process of hearing and reviewing evidence of alleged wrongdoings and meting out disciplinary action relative to NWA Rules and Regulations and the Horse Protection Act. The Executive Committee shall retain jurisdiction over Re-Hearings, including the corresponding disciplinary action.
- C. The Hearing Committee shall be appointed by the Executive Committee at the annual meeting or as soon as practicable thereafter. The Hearing Committee shall be comprised of 15 members of which the composition shall be, as nearly as practicably possible, 1/3 trainers, 1/3 owners, and 1/3 exhibitors. Of the members, 5 shall be designated to sit as the Hearing Panel for a particular matter on a rotation system as established and maintained through the administrative office.
- D. The 5 person Hearing Panel shall select a chairperson to preside over the panel and shall act in this capacity until the work for which the 5 person Hearing Panel was convened is finalized and acted upon by the Board of Directors.
- E. When convened, the Hearing Panel shall be provided with copies of all documents pertinent to the matter including, but not limited to, alleged charges or violations, evidence, and the identity of the parties and witnesses.
- F. The actual Hearing shall be held at a location deemed appropriate by the president.
- G. The functions of the Hearing Panel as well as any other person participating in the functions of the Panel, including NWA staff, shall be conducted in an impartial manner, ethically, and with respect for the person(s) against whom the allegations have been raised.
- H. All 5 of the Hearing Panel members must be present during the entire Hearing process, must consider all evidence, and must deliberate and decide the outcome of the matter, except and unless there is an agreement otherwise made by all parties to the proceeding, including the 5 person Hearing Panel.
- I. Any member of the Hearing Committee may disqualify himself/herself due to conflict of interest or for any reason that elicits a concern for the integrity of the Hearing process.
- J. A party may request the identity of the persons who will participate in the Hearing and who will sit on the Hearing Panel. The disclosure shall be made by the NWA Administrative Office as soon as practicably possible after receiving said request and reasonably in advance of the Hearing. On the submission in good faith, of a timely affidavit of personal bias or other grounds for disqualification of a participating person or Hearing Panel member, the Hearing Panel will consider and decide the matters raised as part of the record and decision in the case being heard.
- K. The Hearing Panel or any persons presiding at any Re-Hearing shall prepare a written record of the proceedings which shall include: the evidence introduced and considered; each finding of fact base on the evidence; the conclusions and decisions regarding the allegations; and a statement of penalties and/or relief granted or denied. The written record shall be the official record and decision which shall be issued within ten (10) business days of the Hearing.



- L. As to all Hearings conducted by NWHHA, the parties shall be accorded:
 - 1. Written notice of the allegations, with specificity, and the possible consequences if found to be true;
 - 2. Reasonable time between notice of allegations and a Hearing date in order to prepare a defense;
 - 3. A Hearing before a panel of impartial fact finders where the proponent of the allegation(s) must substantiate the allegation(s) by a preponderance of the evidence;
 - 4. The right to be assisted in presenting one's case by either lay assistance or legal counsel;
 - 5. The right to call witnesses, present evidence and present argument;
 - 6. The right to confront and cross-examine adverse witnesses;
 - 7. The right to have a record made of the Hearing, at the party's expense, if desired;
 - 8. The right to a timely written decision, with reasons, based solely on the evidence of record; and
 - 9. Right to Re-Hearing upon new evidence with written request within 15 days of the date of the Hearing Panel's official decision.
- M. The decision of the Hearing Panel shall be final with the exception of a re-Hearing upon the discovery of new facts per the Rules and Regulations of NWHHA.
- N. Prior to a Hearing, the Complaint may be withdrawn but must be in writing and submitted to the NWHHA Administrative Office.

12.14 *Jurisdiction of Hearing Committee, Complaints, Hearings*

When a Complaint is made as described in these Rules, or when sufficient information is received by the NWHHA, or any official thereof, that any person is violating any rule, order or regulation of the NWHHA that involves the safety, welfare, or health of a person, member or horse and the NWHHA or official deems such charge or information warrants immediate action, then he/she may suspend all licensing and privileges of such accused person pending a Hearing of the matter.

- A. If the decision of the Hearing Committee is against the Accused, the Committee may order the Accused to pay all or a portion of the cost of the Hearing in addition to other punishment or penalties hereinafter set forth.
- B. Nothing in this section shall be construed to be in conflict with violations and penalties reported by the DQP which shall remain within the jurisdiction of the DQP, the Hearing Committee, and the NWHHA.
- C. If any Complaint or protest is filed concerning a violation which may also be the subject of a report being filed by the DQP, then said Complaint shall be adjudicated concurrently with the violation which was reported by a DQP.
- D. Nothing herein shall be construed to prevent the NWHHA or its duly authorized representative from filing a Complaint or bringing charges against any person or business entity when sufficient information is received to indicate that a violation of these rules might have occurred.
- E. If a Complaint concerns a violation of a rule which was within the jurisdiction of Show Management and no Complaint was filed with Show Management, then said violations can be properly filed as a Complaint under the jurisdiction of the NWHHA.
- F. Whenever any person or business entity, hereinafter Complainant, believes his, her or its rights have been infringed or that another person or business entity, hereinafter Accused, has violated the Rules and Regulations of NWHHA, the following shall be followed:
 - 1. Violation of Rules and Regulations of NWHHA, not specifically delegated to Show Management, shall be subject to the jurisdiction of the Executive Committee and delegated to the Hearing Committee through the NWHHA's Administrative Office.



2. Complainant must initiate action by filing a Complaint through the Administrative Office which provides:
 - Name and address of the person or entity making the Complaint (if business entity a natural person must also be identified);
 - Name (and address if known) of the person or entity against whom the Complaint is filed;
 - Rule(s) believed to be violated; and
 - Complete statement of the acts which constitute the violation.
- G. The nonrefundable fee to file a Complaint is \$200.00 and must accompany the Complaint.
- H. The Complaint will be presented to the Executive Committee to determine if the charge is sufficient to warrant further action. If it is determined the Complaint is not sufficient to warrant a Hearing, the Complainant will be notified in writing of the decision. If it is determined the charge is sufficient to warrant further action, NWHHA, through the Administrative Office, shall notify the Accused that said Complaint has been filed.
- I. Notice shall be given per Notice Rules of NWHHA identified in these Rules. "Notice: Anyone formally accused, as identified by the NWHHA Rules, of any wrongdoing shall be given notice of the formal accusation by certified mail within 20 calendar days of the date the formal accusation is received by the NWHHA Administrative Office. All parties to a Hearing shall be given, by certified mail, not less than 20 calendar days' notice of the time and place for the Hearing. Notice for all matters is deemed received when sent by certified U.S. Mail or by private traceable expedited carrier and is deemed received when delivered according to this Notice rule."
- J. All parties shall be notified in accordance with these Rules of the time and place of the Hearing.
- K. If a hearing is requested for a USDA/HPA violation, or other DQP matter, a sum of \$2500 is required to begin the hearing process. This sum is payable to NWHHA by preapproved personal check or by bond and must be received prior to any action being taken by NWHHA to begin the hearing process. In addition, a letter of intent indicating that the Respondent realizes that they are fully responsible for the entire costs of the hearing should they lose, must be signed and on file in the NWHHA Office prior to the beginning of the hearing process. Respondents, which may include Exhibitors (if other than the Owner or Trainer or are 17 years of age or younger), Trainers and Owners, are responsible to file hearing requests separately and must pay the \$2500 filing fee separately. If the DQP violation is adjudicated in favor of NWHHA and against the Respondent then the Respondent shall bear the actual cost of the Hearing. The initial filing fee of \$2500.00 deposited with NWHHA shall be applied toward the Hearing costs. If the Violation is unfounded, that is, adjudicated in favor of the Respondent, the entire sum deposited upon filing shall be immediately refunded to the Respondent.

12.15 *Hearing Committee and Procedures*

- A. The Hearing Committee, through the Executive Committee, shall conduct all Hearings relative to Complaints of alleged violations of the Rules and Regulations of NWHHA. The Hearing Committee shall have such other duties and responsibilities as may be set forth in these Rules and Regulations as prescribed by the NWHHA.
- B. Any person or business entity against whom a Complaint is filed shall be entitled to a Hearing. Such Hearings shall be held only after written notice as prescribed in these Rules is given to the Accused.
- C. All Hearings may be recessed from time to time, and place to place, as the convenience of all parties and the interest of justice may demand, but the Hearing Committee of the NWHHA shall not cause unnecessary delay.



- D. The Order of the Hearing shall be: introduction of the matter; introduction of all persons in attendance; introduction of the parties; statement of charges by the Hearing Chairperson; opening statements by the Complainant and then the Accused; Complainant's case presentation with cross-examination by Accused; Accused's case presentation with cross-examination by Complainant; and closing statement by Accused and then Complainant.
- E. The Complainant bears the Burden of Proof.
- F. Proceedings before the Hearing Committee shall be informal. No formal rules of evidence or procedure are required. The Hearing Panel has the sole discretion in terms of evidentiary matters, objections, and length of time permitted for opening and closing statements, and witness questioning.
- G. As an NWA member, the owner or lessee of a horse, participant at all NWA affiliated or approved events, or person appearing before the Executive Committee or Hearing Committee agrees that all witnesses and participants in such a Hearing or adjudication of any type shall be immune from any civil liability whatsoever, including but not limited to, libel, slander, defamation, invasion of privacy, product disparagement or tortious interference with business for information or testimony given in the course of the investigation, preparation for the Hearing, or at the Hearing.
- H. Upon completion of the Hearing, a final decision shall be rendered in writing as provided for in these Rules.

12.16 Re-Hearing

- A. Either party may file a request for Re-Hearing with the NWA within fifteen days of the date of the Hearing Committee's decision. This request must be based upon evidence which was not known at the time of the Hearing and must be supported by a sworn affidavit setting out the nature of the newly discovered evidence and the reason(s) that it was not presented at the Hearing, as well as a sworn statement that the party did not know of its existence at the Hearing. The NWA has sole authority to grant or deny a Re-Hearing. The decision shall be based on: (1) whether NWA believes the evidence is newly discovered; and (2) whether the evidence, if presented, would likely affect the decision. If Re-Hearing is granted, the Hearing Committee shall conduct the Re-Hearing on the record of the initial Hearing plus the new evidence and any opposing evidence to the new evidence.
- B. The penalty imposed on the initial Hearing is suspended when Re-Hearing is granted. The Hearing Committee, after Re-Hearing, may impose more, but not less penalty, if it sustains the initial Hearing decision.

12.17 Adjudication without Hearing, Plea Agreement

- A. The Hearing Panel, upon receiving a Complaint, may investigate the matter, and if the action appears warranted, attempt to settle the matter in lieu of proceeding to a Hearing. Plea agreements will not be negotiated or accepted for HPA tickets
- B. After investigating the situation, including all evidence proffered by Complainant and Accused, the Hearing Panel, in its sole discretion, may make a determination to offer a Plea Agreement or dismiss the Complaint.
- C. In the event the Hearing Panel determines to offer a Plea Agreement, the Hearing Panel shall be authorized to offer any or all of the penalties allowed under these Rules as if a Hearing had taken place. The Plea Agreement shall set forth the terms and conditions for compliance. A written disposition of the matter shall be filed by the Hearing Panel in accordance with these Rules as if a Hearing had taken place.
- D. A Plea Agreement accepted by the Accused in lieu of a Hearing is not subject to negotiation or Re-Hearing. A Plea Agreement shall have the same force and effect as would a finding of violation by the Hearing Panel following a Hearing.
- E. In no way does the offer and subsequent refusal of a Plea Agreement in lieu of a Hearing disenfranchise the Accused of his/her right to a Hearing as prescribed by these Rules. However, once a Plea Agreement has been



agreed to by the Accused, the right to a Hearing shall be deemed to be permanently waived. Once the offered Plea Agreement is accepted by the Accused, it shall be effective immediately, final, and not subject to further review under any circumstances.

12.18 *Hearing Procedure for Violations Reported by the DQP*

- A. When a report is filed by the DQP showing a violation that accumulates weeks, the NWHHA DQP Director shall immediately notify the person against whom said violation is reported. The person shall have twenty days after the date of the letter of notification was mailed to ask for a Hearing on the matter. If the NWHHA should determine that any Protest filed by the owner, exhibitor or other responsible person should be frivolous and filed for the purpose of keeping said person eligible to show at a particular show, the organization will levy such additional penalties against the person for filing said Protest as it shall deem appropriate.
- B. If no request is received by NWHHA within twenty days from date the notice was mailed, it shall enter the violation on the permanent record of the respondent.
- C. If the DQP violation is adjudicated in favor of NWHHA and against the Respondent then the Respondent shall bear the actual cost of the Hearing. The initial filing fee of \$2500.00 (by pre-approved personal check or bond) deposited with NWHHA shall be applied toward the Hearing costs. If the Violation is unfounded, that is, adjudicated in favor of the Respondent, the entire sum deposited upon filing shall be immediately refunded to the Respondent.

12.19 *Decisions Not Subject To Protest*

- A. The soundness of a horse, or horse deemed representative of bad image per NWHHA Rules, when determined by an official veterinarian or DQP of the show or by a Judge, is not subject to Protest.
- B. A Judge's decision, representing his individual preference, is not subject to Protest unless it is alleged to be in violation of the Rules.
- C. A Protest with respect to the height of a horse or the length of a horse's foot may be made only to the Show Committee. Re-measurement shall take place immediately, to the end that there shall be no change in height by re-shoeing. The decision of Show Officials shall not be overturned by the NWHHA.
- D. Plea Agreements agreed upon and signed by the Hearing Panel and Accused are final and not subject to Protest.