

**NORTH AMERICAN  
PERUVIAN HORSE  
ASSOCIATION**



**OFFICIAL RULES AND REGULATIONS  
OF REGISTRATION**

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# RULES AND REGULATIONS OF THE NORTH AMERICAN PERUVIAN HORSE ASSOCIATION

## **RULE I - REGISTRATION**

### **Part 1. – GENERAL**

The North American Peruvian Horse Association, hereinafter referred to as “NAPHA”, will refuse to register any animal if said animal will not aid, promote and foster the object of the Association as stated in its By-Laws.

### **Part 2. - ELIGIBILITY**

A horse of pure Peruvian blood may be eligible for registration in the records of NAPHA under its Rules and Regulations providing it falls within one of the following classifications and an application for registration of such horse is filed with the Registry within the time period specified in Rule VI, Part 2, in classifications (A), (B), (C) (D) and (E) below:

- (A) A horse whose Sire and Dam are registered in the records of NAPHA - or a horse whose Dam is registered in the records of NAPHA and whose Sire is registered for breeding in a registry approved by NAPHA. In the latter instance an application for said horse may be subject to approval by the Board of Directors. In addition, the required stallion report must be on record with NAPHA or an acceptable copy furnished by the registry in which the sire is recorded. If the sire is imported or registered with the ANCP CPP, NAPHA must be supplied with proof that the Sire qualifies for a closed stud book in Peru.
- (B) A horse imported in utero from Peru, whose Dam is registered in the records of NAPHA and whose sire is of pure Peruvian blood and qualifies for a closed stud book in Peru.
- (C) A horse imported to North America or elsewhere from Peru with registration papers of the Asociacion Nacional de Criadores y Propietarios de Caballos Peruanos de Paso in Lima, Peru and which qualifies for a closed stud book there. NAPHA may require additional substantiating documentation sufficient to satisfy the Board of Directors prior to any transfer from an approved Registry.

- (D) A horse registered in a NAPHA approved registry may be transferred into NAPHA if copies of all registration papers, stallion reports, transfers, etc. are forwarded to NAPHA by the owner at the time of application for registration. NAPHA may require additional substantiating documentation sufficient to satisfy the Board of Directors prior to any transfer from an approved Registry.
- (E) Any horse which would otherwise be eligible but which does not qualify based on its pedigree not qualifying for a closed stud book in Peru may be registered provisionally. (This only applies to non qualifying horses registered in Peru prior to April 30, 1982.) Said horse and the offspring will be registered provisionally. Provisional registration will be indicated in the stud book and by a different colored and noted Registration Certificate.
- (F) Any horse which does not qualify due to lack of original documentation or DNA parental verification which is inconclusive will be ineligible for registration with NAPHA.

### **Part 3. - NAMES**

No horse will be registered in the records of NAPHA by any name which is a duplicate of a name already registered with the exception of a horse imported from Peru or transferred from an approved registry with the same name of a horse already registered. Such a horse will keep the previously registered name with its previous registration number affixed after the name. All names will be Spanish (or Spanish-sounding) or proper names, composed of no more than four (4) parts or twenty-five (25) letters.

Numerical prefixes will not be allowed. Alphabetical prefixes and suffixes (initials, not names, and of no more than 5 letters) must be registered with NAPHA. A fee, as set by the Board of Directors, may be charged for the registration of an alphabetical prefix or suffix; and the registered owners of such a prefix or suffix will have exclusive rights to its use. NAPHA reserves the right to approve or disapprove any name, prefix or suffix. If a horse previously registered with an approved Registry is transferred to NAPHA with a suffix/prefix already registered, a country-designation will be added to the suffix-prefix to distinguish it. The person registering the horse must pay the fee.

### **Part 4. - REGISTRATION NUMBERS**

Registration numbers shall be consecutive as to the records of NAPHA.

- (A) Roman numeral suffixes will be allowed if the foal is a direct descendant of either the sire or dam.

### **Part 5. - 42 DAY RULE**

After a mare is bred, at least forty-two (42) days must elapse before the mare can be bred or exposed to a different stallion.

### **Part 6. - QUESTIONS OF PARENTAGE**

Any question of parentage will be resolved as requested by the Registration Committee and may include DNA type testing of the horses involved. These tests will be at the expense of the mare and/or stallion owner(s) and shall be paid in advance.

### **Part 7. - BREEDING STALLIONS**

All stallions registered after NAPHA # 4045 must be specifically registered for breeding purposes prior to their use with purebred mares.

Required for registration as a "Breeding Stallion" are:

- (A) DNA type determined through the NAPHA program and on file with NAPHA. (DNA typing is required for all breeding stallions)
- (B) Certificate from a licensed veterinarian stating that the stallion has been examined and found to have two normal, normally descended testicles OR a licensed veterinarian's certification that the stallion had two normal and normally descended testicles but lost one testicle through non-hereditary causes: i.e.: accident, disease or infection, etc.  
8/11/2007 Veterinarian must fill out the NAPHA Veterinarian's Statement
- (C) Fee

### **Part 8. - PASTURE BREEDING**

No foal conceived by pasture breeding will be registered unless the following procedures are adhered to:

- (A) Only one stallion can run with a mare or group of mares and they must be enclosed by permanent barriers that are substantial and so maintained that no other stallion could possibly breed any mare in the pasture.
- (B) No ungelded male more than ten (10) months of age, other than the single designated breeding stallion, shall be allowed to run with a mare or group of mares being pasture bred.
- (C) If the stallion running with the band of mares is removed, a period of at least forty-two (42) days must elapse before the mares are exposed to any other stallion.
- (D) The recorded owner of the stallion used in pasture breeding must state in the Stallion Report the date the stallion was turned out to run with one or more mare(s) and the date the stallion was separated from the mare(s). Exposure dates must be recorded in all breeding records.

## **Part 9. - ARTIFICIAL INSEMINATION**

- (A) All stallions on this program must be registered as breeding stallions - with a copy of their DNA type on file with NAPHA.
- (B) No stallion used on an A.I. program shall be bred to more than forty-five (45) mares in one calendar year, such breedings to consist of the combined total of both artificial inseminations and natural breedings.
- (C) Collection of semen from the stallion and inseminations using this semen shall take place on the same premises and be performed by a licensed veterinarian or A.I. technician.
- (D) All breedings by on site AI will be so indicated on the stallion report filed with NAPHA.
- (E) The privilege of using "On Site Artificial Insemination" may be revoked at any time by the Registration Committee for just cause.

## **Part 10. - FREEZING AND/OR SHIPMENT OF FROZEN SEMEN**

- (A) The recorded owner(s) of one or more stallions intended for use in a program using frozen semen shall first apply to NAPHA for a Permit covering each stallion to be used for A.I. with frozen semen during the calendar year. This application shall consist of:
  - 1. Name of stallion
  - 2. NAPHA Registration Number of Stallion
  - 3. Place of collection
  - 4. All stallions on this program must be registered as breeding stallions - with a copy of their DNA type on file with NAPHA.
  - 5. Permit Filing Fee
  - 6. Owner

This permit must be renewed in any year in which any part of the above information changes.
- (B) Upon receipt of a Permit covering the freezing and/or shipment of frozen semen, the stallion owner(s) agree(s) to the following terms and conditions:
  - 1. No stallion used on this Program shall be bred to more than forty-five (45) mares in one calendar year, such breedings to consist of the combined total of both artificial inseminations (using either fresh or frozen semen) and natural breedings.
  - 2. All paperwork required with the Program must be completed and send to NAPHA within the time limits

designated or the resulting foal may be ineligible for registration. Each form which is filed after the deadline will be accepted only upon payment of the required fine.

- (C) A Permit covering the collection, freezing and use of frozen semen may be revoked by the Board of Directors at any time for just cause.

## **Part 11. - SHIPMENT OF FRESH SEMEN**

- (A) The recorded owner(s) of one or more stallions intended for use in a program using the shipment of fresh semen shall first apply to NAPHA for a Permit covering each stallion to be used for A.I. with Shipped Fresh Semen during the calendar year. This application shall consist of:

1. Name of stallion
2. NAPHA Registration Number of stallion
3. Place of collection
4. All stallions on this program must be registered as Breeding stallions and must have their DNA type on file with NAPHA office.
5. Permit Filing Fee.

This permit must be renewed whenever any of the information on the Permit Form changes (ownership or place of collection.)

- (B) Upon receipt of a Permit covering the shipment of fresh semen, the stallion owner(s) agree(s) to the following terms and conditions:

1. No stallion used on this Program shall be bred to more than forty five (45) mares in one calendar year, such breedings to consist of the combined total of both artificial inseminations (using either fresh or frozen semen) and natural breedings.
2. All paperwork required with the Program must be completed and sent to NAPHA within the time limits designated or the resulting foal may be ineligible for registration. Each form which is filed after the deadline will be accepted only upon payment of the required fine.
3. The mare owner, if different from the stallion owner, must agree to all registry rules and regulations covering the use of shipped fresh semen. The agreement must be signed by the mare owner and submitted to NAPHA prior to the actual insemination.

4. A permit covering the collection and shipment of fresh semen may be revoke by the Board of Directors for just cause.

## **Part 12. - OOCYTE OR EMBRYO TRANSFER**

- (A) NAPHA must be informed of the intent to recover an oocyte or embryo PRIOR to the actual procedure. At least 20 days before the flushing of the donor mare, the mare owner(s) must notify NAPHA and obtain a Permit. All information must be sent to NAPHA including name and registration number of the mare and the stallion; location of breeding, flushing and recipient mare; name of veterinarian performing the flushing of donor mare and surgery or non-surgical procedure to implant the oocyte or embryo and his affiliation with the Veterinary University or Clinic used for the procedure.
- (B) The mare and stallion must be DNA typed by a laboratory approved by NAPHA (UC Davis). DNA typing must be completed prior to the registration of any resulting foal(s). The resulting foal(s) must also be DNA typed and matched with the sire and dam.
- (C) NAPHA must be supplied with a complete history of the procedures (with names, dates, etc.) used whether successful or not.
- (D) Effective 01-01-2006, all Embryo Transfer and Oocyte foals need not have the designation of E.T or O.T. as part of their name. Owners may pay (\$5.00) for replacement certificates if they wish to have them changed.
- (E) Only proven broodmares (mares with at least one registered purebred offspring which was conceived, carried and delivered by the mare herself) are eligible for Oocyte or Embryo Transfer as donors. Oocyte or Embryo Transfer Permits may be obtained for mares which have not yet been proven with the understanding that the resultant foal(s) will not be eligible for registration until such time as the mare is proven as described above. If all Oocyte or Embryo Transfer paperwork and registration applications are completed on time and with appropriate fees, no penalties will be assessed until such time as the foal becomes eligible.
- (F) The donor mare will be limited to two (2) foal registrations per year.
- (G) The 42 day rule will apply to the recipient mare as well as the donor mare, even though the recipient may not necessarily be a purebred Peruvian .

(H) If there is any question of parentage, the foal will be ineligible for registration.

Paper work required for this program: Permit Request, Report on Flushing/Transfer

### **Part 13. - NATURAL SERVICE/GESTATION**

An otherwise qualified foal is eligible for registration if it is begotten by a stallion's natural service of a mare or by Artificial Insemination as provided for in Rule I, Parts 9, 10 and 11 above and if a natural gestation takes place in and delivery is from the body of the mare in which the foal is conceived except in the instance of Oocyte or Embryo Transfer as covered under Rule 1, Part 12. Natural service includes for the purpose of this paragraph, the immediate reinforcement of the stallion's service by a portion of the ejaculate produced by the stallion during such cover. No "clone" of a horse may be registered.

### **Part 14. - DNA TYPING & VERIFICATION OF PARENTAGE**

Beginning January 1, 2006, any horse being registered with NAPHA must first have its DNA on record. All horses being registered for the first time must have parental verification as a qualification for registration.

<sup>8/3/2007</sup>Imported horses must have their DNA on file with NAPHA. Horses having their registration transferred to NAPHA must have their DNA and parental verification on file. Any exception "for cause" must go before the Registration Committee.

## **RULE II - APPLICATION FOR REGISTRATION**

### **Part 1. - APPLICATION FOR FOAL**

Before any horse is eligible for registration under the provisions of Rule 1, Part 2 (A), all transfers of the sire and Dam shall be completed. The owner of the Dam at the time the foal is born shall thereafter execute an application for registration of the foal. Said application shall be accompanied by the required fee, at least four (4) color photos (1 of each side of animal, - 1 of which will have head facing camera - one from the front and one from the rear), shall be on the form supplied by NAPHA and shall include the name, sex, the color, markings and foaling date and also include the name, registration number and color of the Sire and Dam. Said application shall also contain a Breeder's Certificate signed by the owner of the dam at the time of breeding which shall contain the name of the mare and her registration number. It shall also contain a Service Certificate signed by the owner of the stallion or his agent at the time of service, which shall contain the name of the stallion, his registration number, the mare, her registration number and all dates of service. DNA

typing and parental verification must be on file. There shall also be filed with said application satisfactory evidence, either by affidavit of the owner of the sire at the time of service, or otherwise as NAPHA shall determine, to establish that the sire was of pure Peruvian blood and if imported or still in Peru is eligible for a closed stud book in the A.N.C.P.C.P.P. The original certificate will be issued to the person who was the owner of the dam at the time of foaling unless the specific NAPHA form for the transfer of an eligible but unregistered foal is submitted with the application for registration along with the appropriate transfer fee.

## **Part 2. - APPLICATION FOR FOAL IMPORTED IN UTERO**

Before any foal imported in utero shall be eligible for registration under the provisions of Rule I, Part 2 (B), the owner of the mare at the time of foaling must first have obtained registration of the mare in his name and thereafter shall make application for registration of the foal upon the form supplied by NAPHA. Said application shall include the name, sex, color, markings, foaling date and the name, color and registration numbers of the sire and dam. Said application shall be accompanied by at least 4 color photos (1 of each side of animal, - 1 of which will have head facing camera - 1 from the front and 1 from the rear). There shall also be filed with said application the required fee and a copy of the ANCP CPP stallion report covering the breeding plus NAPHA Breeder and Service Certificates, to establish the date of breeding and that the sire was of pure Peruvian blood and eligible for a closed stud book in the A.N.C.P.C.P.P. in Lima, Peru. For horses born after January, 2007, DNA and parental verification must be on file. Imported animals will be designated by an asterisk (\*) preceding name.

## **Part 3. - APPLICATION FOR IMPORTED HORSE**

Before any horse is eligible for registration under the provisions of Rule 1, Part 2 (C) shall be registered in the records of NAPHA, the owner of such horse at the time of importation shall make application on a form supplied by NAPHA, said application shall include the name, sex, color and markings of the horse to be registered. <sup>8/3/2007</sup>DNA must be on file. Said application shall be accompanied by the required fee, at least four (4) color photos (1 of each side of animal, - 1 of which will have head facing camera - 1 from the front and 1 from the rear), date of importation, <sup>8/11/2007</sup>a copy of *USDA - Veterinarian's report of Inspection for Importation*, Registration Certificate from the Asociacion Nacional de Criadores y Proprietarios de Caballos Peruanos de Paso in Lima, Peru, showing one generation pedigree. Exceptional cases may be appealed to the

Registration Committee for approval PRIOR to importation.

Documentation showing qualification for a closed stud book (i.e. copies of A.N.C.P.C.P.P. registration papers of sire, dam, grandsires, granddams, etc. as needed) may be required of all imported horses who were registered in the A.N.C.P.C.P.P. after April 30, 1982. Imported animals will be designated by an asterisk (\*) preceding name.

8/11/2007 If the horse was registered in Peru after June 1, 2007, owner must provide NAPHA with a copy of the parental verification and a copy of the DNA marker report along with the DNA marker report for the sire and dam, and all fees as stated on the Fee Schedule.

#### **Part 4. - APPLICATION FOR TRANSFER FROM AN APPROVED REGISTRY**

##### **Part 4. - APPLICATION FOR TRANSFER FROM AN APPROVED REGISTRY**

Before any horse may be transferred from a NAPHA-approved registry under the provisions of Rule 1, Part 2 (D), the owner of such horse shall make application on a form supplied by NAPHA, said application shall include the name, sex, color and markings of the horse to be registered. DNA and Parental Verification must be on file with NAPHA. Said application shall be accompanied by the required fee, at least four (4) color photos (1 of each side of animal - 1 of which will have head facing camera - 1 from the front and 1 from the rear), date of importation (if imported), registration certificates (from NAPHA-approved registries), the A.N.C.P.C.P.P. certificate if imported and registered there and copies of any blood or DNA typing and Parental Verification done on the horse. Any imported horse or one from imported stock must show qualification for a closed stud book in Peru or the U.S. The approved registry Certificate must show at least one generation pedigree. Documentation showing qualification for a closed A.N.C.P.C.P.P. stud book (i.e. copies of A.N.C.P.C.P.P. registration papers of sire, dam, grandsires, granddams, etc. as needed) may be required of all imported horses or those from imported stock. Exceptional cases may be appealed to the Registration Committee for approval PRIOR to importation. Horses registered in the records of the American Association of Owners and Breeders of Peruvian Paso Horses after October 1, 1999 must have verification of parentage via DNA prior to registration in NAPHA. An exception to this requirement of parental verification by DNA may be made only if NAPHA has a properly filed stallion report with the mare on that report and breeding and foaling dates which correspond. NAPHA reserves the right to require additional information such as stallion reports, transfers of ownership, etc. before registering horses under the provisions of Rule 1, Part 2 (d).

#### **Part 5. - PHOTOGRAPHS**

It is the responsibility of the applicant to be sure that the photographs provided at the time of registration are clear, show the entire horse, are a reasonable likeness of the horse and clearly show all white markings. If more than four photographs are necessary to clearly show all white and other identifying markings, it is the responsibility of the applicant to provide these. The Registrar will have the right to request additional photographs in all cases where there is doubt about the existence or shape of any white or distinguishing markings or the exact color of the horse. Digital photographs will be accepted for registration purposes but must be printed out on high quality, glossy photographic paper. Color copies are not acceptable.

The office may, at its discretion, request photographs on a horse at any time that registration work is being done for it (transfer of ownership, filing of a permit for shipped, fresh or frozen semen, etc.) If the photo is the only requirement keeping the registration pending, no surcharges will be assessed.

#### **Part 6. - CERTIFICATION**

Should any person whose certification is required be dead, unavailable or otherwise incapable of making such certification, the Registration Committee may elect to accept substitute certification of a representative of said person, or of such other person as it may direct or of any other nature which is deemed satisfactory and conclusive.

#### **Part 7. - INSPECTION**

Horses in the aforementioned classifications of Rule II, Parts 1, 2, 3 and 4 shall be inspected in person by an inspector assigned by the Registration Committee, or by photos, 8mm film or video tape, if deemed necessary by the Registrar or the Registration Committee.

#### **Part 8. - CRYPTORCHIDS/MONORCHIDS**

Cryptorchids and monorchids are ineligible to be registered as stallions. Such animals must be gelded before reaching four (4) years of age. Any animal registered as a stallion contrary to this ruling shall have the Certificate of Registration cancelled from the records of this Registry as well as the Certificates of all progeny sired by this stallion.

<sup>8/11/2007</sup>Effective October 1, 2007, NAPHA will not register the first generation offspring of a known crypt orchid.

#### **Part 9. - ALBINOS**

Albino horses are not eligible for registration in the records of NAPHA.

## **Part 10. - COLOR RESTRICTIONS**

NAPHA will not register any foal from two chestnut parents which is not chestnut (with the extremely rare exception of a palomino) nor a gray foal from two non-gray parents.

## **Part 11. - WHITE MARKINGS**

All true white markings on the animal (pink skin) which is the subject of the application must be indicated on the figures appearing on the application form supplied by NAPHA and a description of said markings written in the space indicated. Such markings must be taken from life while the subject is before the applicant.

## **Part 12. - BINDING CERTIFICATE**

When the animal which is the subject of the application has been accepted for NAPHA and the completed certificate issued therefore, such registration shall be binding upon NAPHA, and the person to whom issued may be deemed the owner, unless and until clear and convincing evidence is adduced showing fraud or mistake in the application or issuance of the Certificate of Registration.

## **Part 13. - REGISTRATION PRIVILEGES**

The privilege of registration in NAPHA shall not be revoked for political or disciplinary reasons except as provided in Rule VI, Part 12, Rule VII, Rule VIII or By Law Article IX #5.

## **Part 14. - PROCEDURE TO CANCEL REGISTRATION**

1. NAPHA may propose to cancel the registration of a horse if it finds that there are reasonable grounds to believe:
  - a. The horse does not meet the requirements for registration; or
  - b. A horse identified as the subject of a Certificate of Registration is not the subject of that certificate.
2. NAPHA will advise the recorded owner in writing of any proposal to cancel the registration of a horse and the reasons supporting this proposal.
3. At the time of issuing a proposal for cancellation or at any time prior thereto when the Registrar finds reasonable grounds for such cancellation, the Registrar may temporarily suspend the Certificate of Registration of such horse, transfers of the Certificate of Registration for such horse and for such horse's progeny, and applications for registration of progeny of such horse, pending a decision made in accordance with this Article.
4. If a temporary suspension is imposed, the recorded owner of the horse will be notified in writing.

### **REQUEST FOR HEARING**

If NAPHA issues a proposal for cancellation of the registration of a horse, a request may be made to NAPHA for a hearing on the proposal. The request must:

5. Be in writing;
6. State all grounds and reasons why the registration of the horse should not be cancelled; and
7. Be received by NAPHA within 45 days after the mailing of the proposal for cancellation of registration.

#### **HEARING**

8. If a request for a hearing is received in accordance with this Article, a hearing will be held as provided by Rule II, Part 16. NAPHA will have the burden of proving by a preponderance of evidence that the registration of the horse should be cancelled.

#### **DECISION**

9. If no request for a hearing is made in accordance with this Article, NAPHA may issue an order of cancellation. If a request for a hearing is made in accordance with this Article, a hearing will be held and the Hearing Board will determine whether the registration of the horse will be cancelled. The decision of the Hearing Board will be final.

#### **PUBLICATION**

10. Notice of any temporary suspension and of any cancellation of a Certificate of Registration may be published in the NAPHA Publication and posted on the NAPHA Website, and in not more than three publications devoted primarily to the Peruvian Horse.

### **Part 15. - DISCIPLINARY PROCEEDINGS**

#### **INVESTIGATION**

1. NAPHA may investigate circumstances involving possible violations of these Rules and Regulations. After investigation, the Registration Committee will decide whether possible violations can be satisfactorily resolved by agreement for corrective action with the person involved or whether a Notice of Charges should be issued.

#### **NOTICE OF CHARGES**

2. After investigation, if the Registration Committee finds reasonable grounds to believe that any person has violated these Rules and Regulations, or has engaged in any misrepresentation, misconduct, or any other act involving in any adverse manner the purpose or good name of NAPHA, the Registrar will mail to such person a Notice of Charges stating the wrongdoings alleged to have been committed by such person. The charged person may submit a written answer to the charges within 45 days after the Notice of Charges is mailed. The Registrar may informally resolve any matters relating to a Notice of Charges prior to any hearing scheduled under this Article by agreement with the charged person.

#### **TEMPORARY SUSPENSION**

3. After investigation, if the Registrar issues a Notice of Charges to a person, the Registration Committee may also temporarily suspend that person's use of NAPHA privileges pending a hearing and decision by a

Hearing Board, if the Registration Committee finds that such suspension is necessary for the protection of third parties or of NAPHA's purpose and good name. Notice of such temporary suspension will be mailed to the charged person.

### **HEARING**

4. After a Notice of Charges is given, NAPHA will schedule a hearing as provided by Rule II, Part 16. The charged person will be notified by mail of the date and place of the hearing. NAPHA will have the burden of proving all charges by a preponderance of evidence. The charged person will have the burden of proving any and all excuses for non-compliance and mitigating circumstances by a preponderance of evidence.

### **DECISION**

5. The Hearing Board will determine whether the charged person is guilty or not guilty of any or all of the charges. If the charged person is found guilty, the Hearing Board may impose penalties provided for in this Article. If the charged person is found not guilty, the charges will be dismissed. NAPHA will notify the charged person of the Hearing Board's decision by mailing a copy of the decision to the charged person. Within 20 days after the mailing of the decision of the Hearing Board, the charged person may file a written request with NAPHA for changes in the decision. The Hearing Board will rule on the request and will, at its discretion, do so with or without a hearing. The decision of the Hearing Board will be final.

### **PENALTIES**

6. The Hearing Board may impose such penalties as it deems appropriate, including: denial of all or part of NAPHA privileges; expulsion or suspension from NAPHA (if such charged person is a member); refusal by NAPHA to approve registration applications signed by or submitted by or on behalf of the charged person and all transfers of registration for horses owned on record by the charged person; public censure; or private censure. The Hearing Board may also impose any other penalty or restrictions on exercise of the privileges of NAPHA which it deems proper in furtherance of NAPHA objectives as stated in the Articles of Incorporation.

### **AGENTS AND EMPLOYEES**

7. If any person, acting as an agent of an owner or having horses owned by another in his care, custody or control, is found to have violated these Rules and Regulations, the Hearing Board may proceed against that person as provided for under these Rules. In addition, the Hearing Board may direct that NAPHA refuse to accept any applications for registrations or transfers of Certificates of Registration for horses which are in such charged person's care, custody or control.

### **PUBLICATION**

8. Notice of the imposition of any penalties and of any temporary suspension of privileges of any person, other than private censure, may be published in the NAPHA publication and posted on the NAPHA Website, and also in not more than three publications devoted primarily to the Peruvian Horse.

### **RESTORATION OF PRIVILEGES**

9. A Hearing Board may restore privileges, including membership, to any person who has been denied privileges pursuant to this Article, upon application and satisfactory showing by such person that restoration of privileges is warranted.

## **Part 16. – HEARINGS**

### **IMPANELING BOARD**

1. If a hearing is to be held under these Rules, or if a hearing on any matter is determined by NAPHA to be desirable, the Board of Directors will appoint a Hearing Board. The Hearing Board will consist of not less than three members.

### **TIME AND PLACE OF HEARING**

2. NAPHA will designate the time and place of the hearing, which may from time to time be continued or rescheduled.

### **HEARING PROCEDURES**

3. Persons who have been given notice of a hearing will be afforded reasonable opportunity to appear in person or by counsel to present evidence in their behalf and to hear and refute evidence offered against them. The common law or statutory rules of evidence will not apply at the hearing, but the Hearing Board will determine the admissibility of evidence which is offered and the weight to be given to the evidence admitted.

### **DECISION**

4. The Hearing Board will make its decision following the hearing. The decision of the Hearing Board will be final and will be communicated in writing to the parties to the hearing.

## **Part 17. - RECORDS**

1. Any person subject to these Rules and Regulations may be required to supply such information and documents as NAPHA may determine to be necessary with respect to the registration of horses or the transfer of Certificates of Registration. Complete and accurate records of breeding (hand breeding, artificial insemination and pasture breeding), collection and shipment of semen, insemination using fresh cooled or frozen semen, oocyte/embryo transfer, foaling and ownership must be kept in permanent form by owners of horses and these records must be available at all reasonable times for inspection by representatives of NAPHA. If NAPHA determines that no systematic and satisfactory plan for keeping records is in use, or if no records are made available upon request, NAPHA, after

requesting compliance in a written notice mailed to the person, may, for up to 45 days, temporarily refuse applications for registrations and transfers of Certificates of Registration from such owner until the records are complete. If, during that 45 day period, the owner fails to demonstrate that he has complied with NAPHA's request for keeping and maintaining systematic and satisfactory records, NAPHA may proceed against the owner under Rule II, Part 17.

**Part 18. - APPLICATION OF CALIFORNIA LAW FOR NON-LIABILITY OF DIRECTORS AND OFFICERS**

NAPHA, its Board of Directors, Officers, members of commissions and committees, members of Hearing Boards, employees, representatives and agents will attempt to obtain true and complete information in connection with registration of horses, transfers of Certificates of Registration, hearings, and all other matters relating to NAPHA activities. Except for proven intentional wrongdoing, neither NAPHA nor its Directors, Officers, commission members, committee members, Hearing Board members, employees, representatives or agents will be liable in any way, whether in damages or otherwise, for the issuance of any Certificates of Registration, for the transfer of any Certificates of Registration, for the refusal to issue a Certificate of Registration, for the issuance of any pedigree statements, for the refusal to transfer any Certificate of Registration, for the cancellation of any Certificate of Registration, for any disciplinary proceeding brought against or penalties imposed on any member or other person, or for any other activities engaged in, by, or on behalf of NAPHA. In addition, without limiting the application of the foregoing, the internal laws of the State of California shall determine and control the liability of any Director of NAPHA or of any other person acting on a voluntary basis without compensation for the benefit of NAPHA.

**Part 19. - PRIVILEGES AND RESPONSIBILITIES OF MEMBERS AND NON-MEMBERS**

1. All members of NAPHA and all non-members who utilize the privileges of NAPHA (for example, by signing any portion of any document required for the registration of a horse or for the transfer of a Certificate of Registration, or by requesting that a Certificate of Registration be transferred into their ownership) agree to be bound by, obey and follow all provisions of these Rules and Regulations, as amended from time to time, and all decisions and actions of NAPHA. The term "NAPHA" as used in this Article refers to the North American Peruvian Horse Association, its Board of Directors, Officers, Commissions, Committees, Hearing Boards, employees, representatives and agents.

2. All members of NAPHA and all non-members who in any way utilize the privileges of services of NAPHA agree that determination of contested issues by a Hearing Board appointed pursuant to this Rule II shall be the sole, final and exclusive remedy available to them with respect to disputes arising from these Rules or from the actions of NAPHA. No action may be commenced in any court with respect to such contested issues and no appeal from determinations of a Hearing Board may be taken in any court. No member of NAPHA or any non-member who in any way utilizes the privileges or services of NAPHA may join NAPHA in any court action concerning disputes concerning horse ownership or claimed rights to transfers of recorded ownership. In the event any such member or non-member joins NAPHA in any such actions or appeals and NAPHA substantially prevails in that matter, the court shall award to NAPHA its costs and expenses, including reasonable attorney fees.

Any action to which NAPHA is joined by a third party may be brought only in the United States District Court for the District of California or in the District Court for the County of Sonoma, State of California and no such action may be brought in any other court.

Unless the context otherwise dictates, the term NAPHA, as used in this Article, means NAPHA, its officers, directors, employees, agents, Commissions and Commission members, Committees and Committee members, Hearing Boards and Hearing Board members and any other person authorized to act on behalf of NAPHA.

**Part 20. - NOTICES**

Any and all notices required or permitted under these Rules and Regulations will be deemed given on the date such notice is mailed to a person's last known address according to NAPHA's records.

**RULE III - TRANSFERS**

**Part 1. - TRANSFER OF OWNERSHIP**

When an animal is sold, the Seller shall endorse in full the Certificate of Registration and shall promptly forward said Certificate and required fee to NAPHA. Two (2) current photographs will be required with transfer.

**Part 2. - TRANSFER REQUIRED**

In order that the progeny of any animal may be registered, all transfers of ownership of such animal and dates of sale must be fully recorded with NAPHA.

### Part 3. - TRANSFER BY COURT ORDER Part 3. - TRANSFER BY COURT ORDER

Whenever title to a registered horse passes to another by reason of death or incapacity of the owner, by any order or decree of Court, or otherwise by operation of law, NAPHA may transfer the registration of such horse to the new owner upon order of a court of competent jurisdiction or other satisfactory proof or affidavit of transfer of title.

## **RULE IV - CERTIFICATE CANCELLATIONS AND CHANGES**

Part 1. - SALE WITHOUT PAPERS  
Part 1. - SALE WITHOUT PAPERS  
If any registered horse is sold without Registration Certificate, said Certificate must be surrendered to NAPHA for cancellation.

Part 2. - DEATH OF A REGISTERED HORSE  
Part 2. - DEATH OF A REGISTERED HORSE  
Upon the death of an animal, the Certificate of Registration, with date of death noted thereon, must be surrendered for recording and cancellation. It is requested by NAPHA that cause of death, copies of autopsy reports, etc. be sent with the Certificate. The Registration Committee shall have the power to levy a fine or other penalty, if it sees fit, in the case of deceased horses whose Certificates of Registration are not promptly surrendered for cancellation.

Part 3. - COLOR/MARKINGS CHANGE  
Part 3. - COLOR/MARKINGS CHANGE  
Any changes in a horse's markings or color must be reported to NAPHA, and a corrected Certificate issued. Corrected Certificates will be issued upon receipt of the Registration Certificate together with a written statement of the facts, signed by the recorded owner of the horse at the time the change occurred, accompanied by sufficient color photos to properly identify animal. This statement identifying the horse and requesting correction must be satisfactory to NAPHA. After investigation and approval by the Registrar, which may include a personal inspection of the horse, a new Registration Certificate will be issued at no charge.

Part 4. - NAME CHANGE  
Part 4. - NAME CHANGE  
Name change is limited to animals without registered offspring. Change may be made only upon the request of the owner, accompanied by the Certificate of Registration along with the required fee.

## **Part 5. - CASTRATIONPart 5. - CASTRATION**

When a stallion is castrated, the Certificate of Registration, along with a signed veterinarian's statement including the date of castration and verifying removal of both testicles, plus a letter signed by the recorded owner and requesting that the horse's registration be changed to show him as a gelding must be sent to NAPHA. Upon receipt by NAPHA, a new Certificate of Registration showing the horse as a gelding will be issued to the recorded owner at no charge.

## **RULE V - STALLION DIRECTORY AND SALES LIST**

### **Part 1. - MEMBERSHIP DIRECTORYPart 1. - MEMBERSHIP DIRECTORY**

Members will have their names, addresses and phone numbers included in the Membership Directory prepared by NAPHA unless they request in writing that they be omitted. Fees may be charged for this service at the discretion of the Board of Directors.

### **Part 2. - INTERNET MEMBER DATABASE**

Members will have their names, addresses and phone numbers included in the Internet Member Database prepared by NAPHA unless they request in writing that they be omitted. Fees may be charged for this service at the discretion of the Board of Directors.

## **RULE VI - FEES**

**Fees will be set for the following by the NAPHA Board of Directors and will be posted on the NAPHA website: [www.napha.net](http://www.napha.net).**

### **Part 1. - MEMBERSHIP**

- (A) JOY OF RIDING- must be an associate, aficionado or Junior member
- (B) ASSOCIATE. Available to a recorded owner of a registered, purebred Peruvian Horse upon application and payment of dues.
- (C) AFICIONADO. Available to persons interested in the Peruvian , but do not own a purebred Peruvian.
- (D) JUNIOR. Available to those 17 years of age or under upon application and proof of age.

- (E) Canadian Members please add \$5 to dues; all other foreign members please add \$10 to dues.

## **Part 2. - REGISTRATION AND INSPECTION**

- (A) For registration of a horse under the provisions of Rule 1, Part 2 (a) and (b):

- 1. Within 12 months of date of foaling upon

Application of a member. .

Application of non- member.

- 2. After 12 months of date of foaling upon application of a member.

Application of a non-member

- (B) For registration of a horse under the provisions of Rule 1, Part 2 (c)

- 1. Within 12 months of date of importation upon application of a member or Application of non-member

- 2. After 12 months and within 24 months of date of importation upon application of a member. or Application of non-member.

- 3. After 24 months of date of importation - all documentation (bills of sale, etc.) in addition to Peruvian registration papers and other required certificates must be submitted to the Board of Directors for approval and with the understanding that if accepted, any foals conceived since importation and before registration in NAPHA will be ineligible for registration. Upon application of a member or Application of a non-member.

- (C) For registration of a horse under the provisions of Rule 1, Part 2 (d):

- 1. Upon application of a member of a horse registered with the Canadian Registry. Upon application of a non-member

- (D) Inspection

- 1. All costs and expenses in connection with inspection will be billed to owner and must be paid in advance of inspection.

## **Part 3. - TRANSFER OF OWNERSHIP**

- (A) If recorded within 60 days of the date of sale.

- (B) If recorded between 60 and 180 days of the date of sale.

- (C) If recorded after 180 days of the date of sale.

- (D) With time payment sales when the Certificate of Registration is withheld until payment is complete, the date of the final payment may be used as the "date of sale" for purposes of

compliance with the transfer fee schedule. In this instance NAPHA should be advised of the sale as soon as buyer takes physical possession of the horse, whether or not payment is complete by that time.

#### **Part 4. - DUPLICATE CERTIFICATE**

A duplicate Certificate of Registration will be issued only to an owner of record. An application therefore must be accompanied by the required fee and an affidavit explaining the loss of the original Certificate of Registration to NAPHA's satisfaction.

#### **Part 5. - REPLACEMENT CERTIFICATE**

A replacement Certificate of Registration will be issued only to an owner of record. An application therefore must be accompanied by the required fee and the current original NAPHA Certificate of Registration. Fee upon application of a member - \$5. Application of a non-member - \$10.

#### **Part 6. - MARKING CHANGE**

No charge to the recorded owner for replacement Certificate of Registration.

#### **Part 7. - COLOR CHANGE**

No charge to the recorded owner for replacement Certificate of Registration.

#### **Part 8. - NAME CHANGE**

Limited to animals without registered offspring.

#### **Part 9. - CASTRATION**

No charge to the recorded owner for replacement Certificate of Registration showing animal as gelding.

#### **Part 10. - OFFICE COPIES**

Copy of Breeder's Certificates, Stallion Reports, etc. on file with NAPHA. are available only to the recorded owner of the horse for which the copy is requested or to an approved Registry at the discretion of the Registrar.

#### **Part 11. - STALLION REPORT**

Stallion Report forms will be available on the Internet web site and by request from the office. Completed Stallion Report forms must be returned to NAPHA no later than January 10th. Stallion Reports which are filed incomplete (not listing horses' full names, registration numbers, type of breeding, etc.) will be charged \$50. Between January 10th and March 1st, reports will be accepted if accompanied by a \$100 penalty. After March 1st, reports will only be accepted with justifiable cause for the delay on the approval of the Registration Committee and with a fine of \$500. Owners of

stallions are solely responsible for the filing of stallion reports and for notifying NAPHA of any change of address in sufficient time so that reports can be mailed to the proper address.

### **Part 12. - OVERDUE ACCOUNTS**

Any NAPHA member or Club delinquent in payment of NAPHA accounts 90 days or more after billing, shall not be eligible to participate in any NAPHA sponsored, approved, or sanctioned function and will be suspended from all privileges of membership until the account is settled. Year-End and Lifetime Awards points will not be counted if membership privileges have been withdrawn. If the account is paid by no later than 180 days from the date of billing lifetime points (not annual) will be retroactive, otherwise they will not be retroactive. Any Show Accounts which are delinquent will prohibit NAPHA show approval until such accounts are paid. The name of any NAPHA member, club, organization or any non-member that has failed to pay any obligation due to NAPHA within 90 days after billing shall be subject to be published as a delinquent account in the NAPHA publication NAPHA shall notify a delinquent member, club, organization or any non-member of its intent to publish the name of said member, club, organization or non-member as a delinquent account at least 45 days prior to the publication deadline and that publication may occur even if the account is subsequently settled after the publication deadline. Only outstanding accounts with regard to all registration work, transfers, fines, office fees and dues will warrant the suspension of registration privileges.

## **RULE VII – PENALTIES**

### **Part 1. - EXPULSION**

If NAPHA finds that any person has failed to comply with any of these Rules and Regulations, or has been guilty of any misconduct or misrepresentation which in any way or manner involved the purpose or good name of NAPHA, such person may be expelled from membership, and may be denied the privileges of NAPHA and subjected to such other penalties as may be within its power to impose. Any suspension will be automatically extended so that it will not “expire” until all penalties (including fines) have been fulfilled or paid.

### **Part 2. - CHARGES/GRIEVANCES**

Any party in interest may file with NAPHA upon information and belief, a prepared statement specifying the alleged act or acts of misconduct or misrepresentation of another. If said alleged act or acts occurred at a

NAPHA approved show, the statement must be filed with NAPHA within 15 days of the close of said show. The Secretary shall refer copies of said statement, together with any other pertinent information to the Board of Directors. If a majority of the Board concludes that the charges, if true, involve the purpose and integrity of NAPHA, said Board shall investigate the charges. Before any action shall be taken against the party accused, he shall be furnished with a concise statement of the charges, together with a notice that he file a written answer thereto within 15 days, or in default thereof, said charge may be taken as true. The Board, in its sound discretion, may decide the issue upon the writings filed or may grant a request for a hearing. The decision of the Board shall be final. Any suspension will be automatically extended so that it will not "expire" until all penalties (including fines) have been fulfilled or paid.

## **RULE VIII - CODE OF ETHICS/ETHICAL REVIEW RULE**

### **Part 1. - PREAMBLE**

- A) NAPHA believes: that the Peruvian Horse has earned and deserves the respect and company of true sportsmen; that owners, breeders, handlers and aficionados of the breed have much to gain by observing the highest ethical standards and by observing the best tenets of good sportsmanship in all things pertaining to the Peruvian Horse; that in addition to the basic rule of "doing unto others as you would have them do unto you," it is desirable to define ethical practices, to delineate unethical practices, to encourage good sportsmanship and high ethical behavior and to warn, censure, or bring to public attention and discipline those who commit acts detrimental to the best interests of the breed and to its aficionados; that it is the right and obligation of NAPHA to set standards in matters of ethics and sportsmanship concerning the Peruvian horse; that the rules and regulations of the North American Peruvian Horse Association shall, in all respects, be supported in our efforts to strengthen ethical and good sportsmanship in the breeding, owning, handling, showing and using of the Peruvian horse.
- B) NAPHA will have an Ethical Practice Review Board whose purpose shall be to interpret and enforce the ethical and sportsmanship rules promulgated and adopted by NAPHA. Its deliberations shall include, but are not limited to consideration of whether an offense was intentional and whether it continued after either formal or informal warning. The Review Board shall consist of the nine (9) members

appointed by a majority vote of the Board of Directors. Those appointed by the Board of Directors must be Associate or Governing Council Members in good standing of NAPHA and will serve for a term of two years. The Board of Directors shall elect one member of the EPRB as Chairman to serve for one year. The function of the EPRB shall be to interpret and enforce the ethical and sportsmanship rules promulgated and adopted by NAPHA.

- C) Alleged infractions by any member of NAPHA Code of Ethics and Sportsmanship as adopted or amended, may be brought to the attention of the Ethical Practice Review Board in writing by a member or non-member of NAPHA. All such writings shall contain full specific information as to the alleged infraction including place, date(s), witnesses and evidential information and shall be presented within three months of the date of the alleged infraction.
- D) It shall be the general policy of the Ethical Practice Review Board to be constructive with those who have committed unethical or unsportsmanlike acts, and to use its powers to prevent recurrence of the event. Probationary periods may be applied to effect discipline. Nothing in the foregoing, however, shall be construed to proscribe the strongest sanctions available against those who would persist in unethical acts or unsportsmanlike conduct.
- E) Any person acting in the capacity of agent or employee of a member of NAPHA is bound by this Code of Ethics as it relates to Peruvian Horse activities.
- F) Any owner, trainer or handler who is not a member of NAPHA who competes in a NAPHA approved horse show is bound by this Code of Ethics during that show.
- G) Any person who is acting as an agent or is under contract by NAPHA to perform a job for NAPHA is bound by this Code of Ethics.

## **Part 2. - ETHICS & SPORTSMANSHIP CODE - GENERAL**

NAPHA had adopted as ethical practice and sportsmanlike conduct the following ETHICS AND SPORTSMANSHIP CODE, to be used, with respect to infractions thereof, by the Ethical Practice Review Board under its stated authorities:

- A) The Rules of the North American Peruvian Horse Association are hereby adopted by reference as a part of this Code of Ethics and Sportsmanship.
- B) In every situation the Welfare of the Breed shall be paramount over all other considerations. The best interests of the Peruvian Horse must be the criterion in all transactions.

- C) The words “Registry”, North American Peruvian Horse Association or initials “NAPHA” shall not be used in connection with a show, sale or other Peruvian Horse activity that is not officially sponsored by NAPHA.
- D) It shall be considered unethical practice for any person to attempt to influence the actions of the Board of Directors or Ethical Practice Review Board by duress or intimidation of any sort or any type whatsoever. It shall be considered unethical practice for any person to communicate or cause or initiate any communication with any member of the Board of Directors or the Ethical Practice Review Board concerning the substance of a complaint until after the hearing and any appeal is completed and a decision rendered or until after the time for appeal has expired. No person shall attempt to influence a member of the EPRB or the Board of Directors with respect to any complaint.
- E) Any award that is filed against a member of NAPHA as a result of a hearing must be satisfied as per the conditions set by the Board and if not so satisfied, shall be considered as an infraction of the Ethics and Sportsmanship Code and be referred to the EPRB for appropriate action.
- F) It shall be considered unethical practice for any person, company or other entity to use NAPHA logos and/or symbols without receiving prior written permission from the Board of Directors or its designee. Horse shows which receive NAPHA approval will automatically be allowed to use NAPHA logo to signify that approval in Premium Lists, show programs and advertisements for the show. Any use of NAPHA logos and/or symbols which implies approval, sanction or sponsorship by NAPHA without written permission shall be considered unethical.
- G) Any approved show or recognized club which offers a “raffle” or “prize” horse must send NAPHA written evidence that the horse has been examined by a licensed veterinarian and that it is sound and healthy at the time the horse is donated and at the time of presentation to the winner.

### **Part 3. - SHOW MANAGEMENT**

Show Management and officials shall not show bias toward or against any exhibitor or horse and must not influence the Judge(s) in any way. The individual member or members acting for his or their club who directly contact and employ a judge should not show or have their horses shown before that judge in the show which they have employed him to judge.

### **Part 4. - OWNERS & BREEDERS**

- A) Avoid false or misleading statements or advertisements concerning horses offered for sale or standing at stud. Be fair and honest in all dealings, make full disclosure about any horse; for example, do not represent a mare as "in foal" when she has only been bred but not tested for pregnancy.
- B) Breeders should refrain from copying another breeder's stationery, logos or advertising.
- C) A breeder or owner of Peruvian Horses should not voluntarily disparage the horse of another owner, nor volunteer an opinion of another owner's horses, or a transaction to which he is not a party. If his opinion is sought, and he sincerely feels qualified to answer, he may, if he cares to, give it with strict integrity and courtesy.
- D) A breeder or owner of Peruvian Horses or any of their agents should use reasonable care in the handling and treatment of his own horses as well as horses owned by others and placed in his care for breeding or other purposes.
- E) A breeder or owner of Peruvian Horses or any of their agents who performs surgical procedures, aids, instructs or conspires with another to perform surgical procedures or employs another to perform surgical procedures for the purpose of concealing genetic defects or undesirable traits in an animal to be shown, used for breeding or sold as a breeding animal is unethical. However, should the health or welfare of the horse require corrections of such genetic defects, it is recommended that the horse be rendered incapable of reproduction.
- F) Transfers of ownership should be made by the Seller in timely fashion when all payment has been made and Service Certificates should be available to Mare Owners in a timely fashion unless some dispute prevents the Stallion Owner from so supplying the Certificate. Stallion Reports, Amendments and/or fines must be filed/paid when a party other than the stallion owner is involved. Failure to cooperate in the registration of a horse may be grounds for a hearing. There is no valid excuse for the failure to file a Stallion Report or to file it late and pay the necessary fine and DNA typing costs if necessary for the registration of that stallion's foals when a party other than the stallion owner is involved.
- G) It will be considered unethical for a person to be an undisclosed agent for the sale or purchase of a horse, breeding or tack or services for training, boarding or showing.
- H) 1) No person shall treat any horse in a cruel or inhumane manner, including, but not limited to, the prohibited conduct specified in the Show Rules. Cruelty to horses other than

Peruvian Horses is included in this prohibition, as it indicates a general course of dealing with horses, which is unacceptable for NAPHA membership qualification. For violation of this rule, a NAPHA member may be disciplined, suspended, fined and/or expelled from NAPHA, and a non-member may be denied NAPHA privileges. This prohibition against cruelty includes, but is not limited to, NAPHA members and/or owners of Peruvian Horses, their agents, representatives and employees, the actions for which a member or owner are also responsible.

2) A conviction of an individual under state or federal law, for an offense of cruelty to or inhumane treatment of a horse or judicial confiscation of a horse, whether or not a Peruvian Horse is involved, shall constitute a presumption of violation of this rule.

#### **Part 5. - EXHIBITORS**

- (A) The conduct of any exhibitor in the arena shall not be such as to intentionally adversely affect the exhibition of any other's horse in the arena.
- (B) At no time in training or in the show ring should a horse be subject to mistreatment.
- (C) Exhibitors, trainers and owners shall not attempt to influence a judge by telephoning, writing, sending pictures or any other means, before shows that said judge has been employed to judge. Any photos or communication one month prior to a show in which the judge is adjudicating can be presumed to be an intent to influence the judge.
- (D) Non-winners of ribbons in any class should remain in the ring until excused or the ribbons have been awarded and the winners have left the ring.
- (E) Genuine applause for a favorite horse is commendable, but organized "cheering sections" represent less-than-fair competition. However, spectator participation in a show may be encouraged.
- (F) Exhibitors should not accuse the judge of favoritism or bribery; they should support the judges and the judging system; if they have a legitimate protest, they should follow the procedure for protest set out in the rule book.

#### **Part 6. - JUDGES & STEWARDS**

- (A) The first job of a Judge or steward must be to exhibit the highest standard of integrity at all times and to avoid

decisions arrived at by influence, bias or ignorance.

B) Judges should report to the Show Steward or Show Committee any improper approach by an Exhibitor. Show Stewards are responsible to report any improper approach or violation of the rules to NAPHA.

C) A judge (or student/learner judge) may not be called upon to judge and a steward may not be called upon to steward:

a) His employers, employees, business partners, or clients or their family members (husband, wife, parent, sister, brother, child, grandparent, grandchild, stepchild, stepparent, half brother or sister, aunt, uncle, niece, nephew and in law) or their horses unless relationship is terminated 12 months prior to the show. (Mare owners purchasing a breeding to a Judge's stallion are not to be considered "clients.")

b) Members of his family (husband, wife, parent, sister, brother, child, grandparent, grandchild, stepchild, stepparent, half brother or sister, aunt, uncle, niece, nephew and in-law) or their employers, employees, business partners, or clients, or their horses unless relationship is terminated 12 months prior to show.

c) Horses (or any interest in a horse - including but not limited to syndicate and partnership shares) which he, a member of his family, his employer, employee, business partner or client owns or has trained, leased, or sold within the twelve (12) months immediately prior to the show. Stallions — to which the Judge has bred mares in which he has any interest (i.e.: owns, leases, has in partnership, etc.) within the twelve (12) months prior to the show.

d) Riders whom he has instructed, coached or tutored for pay on an individual basis (i.e. not in a clinic) within the twelve (12) months prior to the show. Riders or horses he has instructed, coached or tutored for pay at a clinic within two (2) months prior to the show.

e) Anyone who has received or contracted to receive a remuneration for the sale, purchase or lease of any horse to or from, or for the account of the Judge within twelve months prior to the show unless the sale or purchase has been made at public auction.

f) Anyone who boards, shows or trains (for horse show purposes) any horse under the Judge's ownership or lease, within a period of twelve months prior to the show. (Stud fees and broodmare board are excluded.)

g) Anyone who has leased a horse from the Judge unless the lease terminated twelve months prior to the show.

For the purpose of these conflict of interest rules, a corporation or other legal "entity" will be considered a separate entity IF it is a publicly held corporation and any person in interest does not hold a controlling interest or management position with the corporation. Any such person shall be responsible for informing NAPHA of this possible conflict and, if exempt, providing documentation of such exemption as required by NAPHA to satisfy this provision.

If a horse or person is disqualified from a class due to a conflict of interests, the entry fee shall be refunded.

- D) Failure of a Judge or Steward to attend a show to which he is committed, to perform his duties, and to officiate in the classes to which he is assigned shall constitute cause for disciplinary action by NAPHA, except in cases of extreme emergency.
- E) A judge or a steward shall not, during the period of a show at which he is judging nor thirty days before or after, be the house guest of a person who is exhibiting in his division at such show or whose family is exhibiting at such show.
- F) A judge shall not visit the stabling area, or knowingly inspect any horse entered in the show before the judging.
- G) A Judge shall be furnished a schedule of events by the Show Management prior to the judging. He shall not examine the official show program until after the judging has been completed nor is the Judge allowed to ask exhibitors questions regarding the ownership, name or pedigree of any entry.
- H) A Judge may not converse or socialize with exhibitors without the express permission of the Show Management and then only when accompanied by the Show Steward.

## **Part 7. - JURISDICTION**

The Board shall have authority to hear all charges of violations of the Code of Ethics and Sportsmanship, including but not limited to charges of conflict of interest of judges, other show personnel and exhibitors, and of misconduct of NAPHA

members and other persons concerning the care and treatment of Peruvian Horses or the showing of horses at NAPHA sponsored or approved shows or events. The Board shall not, unless there are exceptional circumstances, hear any charges which involve: 1) Basically private disputes between two or more persons that should properly be settled by a court of law, 2) Disputes which have been submitted to a court of law or arbitration in which a recognized court of law or arbitrator has made a final non-appealable determination of facts in such a way that no violation would have occurred; or 3) Alleged violations which occurred more than three (3) months before the charges were filed; and 4) The Board shall not hear alleged criminal conduct violations committed at a show grounds where a show committee is responsible to contact law enforcement authorities and fails to do so. State and Federal laws take precedence over a private entity such as NAPHA's rules of conduct. If there is a more appropriate venue for the cause (civil or criminal) the case should be heard there first. The person filing a grievance must be an interested party (e.g. not a third party or one without direct, first hand knowledge).

In the event charges are filed involving a matter involved in, or which becomes involved in, litigation or arbitration, the Board shall stay all proceedings in that matter pending the final outcome of the litigation or arbitration. For purposes of any proceeding under these Rules, the Board shall accept the final factual determinations made by a court of law or arbitrator.

The determination of whether exceptional circumstances exist shall be made initially by the Probable Cause Panel and shall be based on whether the charges raise substantial undecided issues relating to the care and welfare of Peruvian Horses or substantially affect NAPHA and its operations and events.

## **Part 8. - COMPLAINTS**

### **A) INITIATION**

Charges shall be brought by filing a complaint, together with a \$100 filing fee, at the main office of NAPHA, addressed to the Ethical Practice Review Board. Payment of the filing fee will be waived for complaints filed by Judges, Stewards and Show Officials when acting in their official capacity.

The complaint must:

- 1) Set forth with particularity the alleged violations of the Code, including the place, date and time of the alleged infractions, the actions alleged to constitute the infractions, and all witnesses to said action;
- 2) Include all supporting documentation in the possession of the complainant;
- 3) Contain the full name and address of the person charged and his/her relationship to NAPHA;
- 4) Be signed by the complainant and include his or her address and phone number, and
- 5) Include a statement whether, to the best of the complainant's knowledge, the conduct that is the basis of the complaint has been or will be the basis for claims in any court of law, arbitration or mediation.

## **Part 9. - PROCESSING**

- A) The Executive Director shall review all complaints to see if they comply with the preceding sections. Any complaints that are insufficient shall be returned to the complainant with a copy of these rules and a note of the deficiencies. A copy of such complaints will be forwarded to the Ethical Practice Review Board.
- B) All complaints that comply with the preceding sections shall be forwarded to three members of the EPRB who are not members of the Board of Directors who shall be appointed by the Board of Directors to serve as the "Probable Cause Panel" for its review to determine whether the charges lie within the jurisdiction of the Board and if there appears to be sufficient grounds for a hearing.
- C) The determination of whether there is sufficient grounds for a hearing shall be by majority vote of the Probable Cause Panel, which shall thereafter have no further contact with the matter presented to the Board. The Probable Cause Panel may confer with NAPHA's counsel in making these determinations.
- D) If the Probable Cause Panel determines that the complaint shall not be heard by the EPRB, they shall return it with a notice of their decision to the Executive Director. The Executive Director shall cause a notice of the determination to be sent to the complainant and shall inform the complainant of the right to appeal set forth in Part 11. If the Probable Cause Panel determines that the complaint should

be heard by the Board, they shall notify the Executive Director. The Executive Director shall cause a notice of the initiation of disciplinary proceedings, a copy of the complaint and a copy of these rules to be sent to each person charged in the complaint with a request that each person charged submit a written response to the complaint within forty-five (45) days from their receipt of the complaint. The response should:

- 1) Specify each portion of the complaint that is admitted or denied;
- 2) Include all documentation that is in the possession of the respondent supporting the response;
- 3) Identify all witnesses with relevant knowledge known to the respondent; and
- 4) Include a statement whether, to the best of the respondent's knowledge, the conduct that is the basis of the charge has been or will be the basis for claims in any court of law, arbitration or mediation.

## **Part 10. - HEARINGS**

### **A) SETTING AND NOTIFICATION) SETTING & NOTIFICATION**

At the discretion of the EPRB (less the Probable Cause Panel), the hearing may be held on the **written** evidence submitted without a meeting in person by the EPRB. If done in this matter, both the complaining party and the respondent will be given sufficient time to submit all the **written** evidence they wish to be considered. In such cases, a vote of the EPRB may be made by written ballot or by conference call.

Hearings shall be scheduled by the Chairman of the EPRB with the assistance of the Executive Director. The Executive Director shall cause a notice of the hearing to be mailed to the complainant, all persons charged in the complaint, and all members of the Board.

The notice shall be sent at least thirty (30) days before the date of hearing. The time and place of the hearing may, for good cause shown, be continued or rescheduled by the Chairman of the Board.

### **B) PROCEDURE**

- 1) Attendance

- a) The complaining party must attend the hearing personally or through a duly authorized representative unless the Chairman has previously authorized him or her to submit a written notarized presentation. Failure to attend shall be grounds for dismissal of the complaint.
- b) The charged party shall have the right to appear at the hearing in person or through a duly authorized representative or submit a written notarized presentation. Counsel for the Board and the parties shall be entitled to attend the hearings. The Board shall have the authority to permit or refuse to allow any other person to attend the hearing with reason except that general spectators shall not be permitted.

2) Burden of Proof

The complaining party shall have the burden of proving all alleged violations of the Code by a preponderance of the evidence, whether or not the person charged appears or makes any response. The person charged shall have the burden of proving all excuses and mitigating circumstances by a preponderance of the evidence.

3) A quorum of at least five members of the Board shall be required to hear any matter. All decisions shall be made by a two-thirds majority except that decisions as to procedural matters shall be made by the Chairman, or in his or her absence, by an Acting Chairman elected by the Board members present at the hearing.

In the event that a quorum of the Board is not available to hear the matter because of conflicts of interest or other reasons, the NAPHA Board of Directors shall make sufficient temporary appointments so that a quorum is available.

4) Recording

The hearing shall be tape recorded. The hearing may also be recorded stenographically at the request of NAPHA or any party if the request is made at least ten (10) days in advance of the hearing date. The cost of any stenography recording shall be the responsibility of the person or entity making the request therefore.

5) Evidence

- a) All evidence and documentation received by the Board prior to the hearing shall be maintained in a sealed file at the main office of NAPHA or in the possession of the Chairman and shall be available at all reasonable times and upon reasonable notice to the parties, their representatives and members of the Board for inspection and copying. No other person, aside from officers and employees of NAPHA in the ordinary course of their duties, shall have access to said file.
  - b) At the hearing, common law and statutory rules of evidence shall not apply and the admissibility of evidence shall be determined by the Board. All evidence that is relevant and that has probative value shall generally be admitted. However, the Board may also refuse to accept evidence that is unduly repetitious or cumulative.
  - c) The Board may also, before, during or after the hearing, designate one or more persons to make an inspection or investigation in connection with a hearing. Each party shall be notified of the inspection or investigation and shall have the right to attend in person or through a representative.
  - d) However, there shall be no discussion of the merit of the case between parties, or their representatives, and the persons conducting the inspection or investigation. If present, both parties shall be given an opportunity to respond to all such questions. The parties shall receive copies of any written report and have an opportunity to hear any oral report resulting from the inspection or investigation and shall have an opportunity to respond to the same.
- 6) Testimony and Argument
- Each party shall be entitled to make an opening statement following which the complaining party shall present complainant's claims and evidence. The

charged party shall then present respondent's defenses and evidence. Each party, the attorneys for the parties and NAPHA, and the members of the Board shall have the right to ask questions of any person testifying.

7) Decisions

- a) The Chairman of the Board, subject to review by the Board, shall rule on all motions, objections to evidence and other questions from the initiation of the proceedings until an appeal, if any, is taken from the decision of the Board.
- b) The Board will determine whether the person charged is guilty or not guilty of each of the alleged matters as promptly as is reasonable after the hearing is concluded. Its decision, along with its specific findings as to relevant facts, shall be reduced to writing and provided to the Executive Director. The Executive Director shall send copies to the parties.

8) Penalties

If the Board finds the person charged guilty, it may impose such penalties as it deems proper including the following:

- a) Private censure;
- b) Public censure;
- c) Denial of all or part of NAPHA privileges;
- d) Prohibition of involvement at NAPHA events;
- e) Expulsion or suspension from NAPHA membership; and
- f) Fines

However, no penalty shall be imposed until after the period for appeal provided in Part 11 has expired. Furthermore, no penalty shall be valid unless approved by the NAPHA Board of Directors and the NAPHA counsel after review of the EPRB's written decision and findings. Any penalty will be automatically extended so that it will not "expire" until all requirements (including fines) have been fulfilled or paid.

A) Right to Appeal

Any person whose complaint is rejected by the Probable Cause Panel under Part 9 (C) or who was party to any proceeding under these rules shall have the right to appeal the Board's decision, findings, penalty, or any procedure or preliminary determinations by the Board or Probable Cause Panel. The appeal must be made by delivering a written Notice of Appeal to the Executive Director within thirty (30) days after Notice of the final determination of the proceeding was sent to the appealing party. A filing fee of \$100 must be included with the Notice. The Notice of Appeal must contain a statement specifying the decisions and findings that are being appealed and the basis for the appeal. Failure to appeal within this time limit or to specify the matters appealed and the basis for the appeal shall be deemed a waiver of the right to appeal.

B) Appeal Procedures

- 1) After the Executive Director first receives the Notice of Appeal, he shall review it for compliance with these rules. An incomplete Notice shall be returned to the sender. If the Notice is complete, he shall forward a copy of it to all other persons who were parties to the complaint with a request that they respond to the Notice of Appeal within thirty (30) days of their receipt of the Notice. The Executive Director shall also forward a copy of the Notice, all responses and the record of the Board's hearing to the Board of Directors.
- 2) The President of NAPHA shall schedule a hearing on the appeal before the Board of Directors at the earliest reasonable opportunity and shall notify the parties and the NAPHA Board of Directors of the time and place of the hearing.
- 3) At the hearing, all parties to the proceeding may appear in person, or by counsel and shall be given an opportunity to argue their positions. No new evidence or testimony shall be allowed and the decision on appeal shall be based on the arguments of the parties and a review of all evidence and documents that were before the EPR Board and the EPR Board's decisions and findings. A transcript of the EPR Board hearing shall also be reviewed if any party requests and pays for it.
- 4) No member of the EPR Board who participated in that Board's hearing shall participate in the Board

of Director's discussions and decisions on the matter.

C) Decision

As promptly as is reasonable after the conclusion of the hearing on the appeal, the NAPHA Board of Directors shall decide the matter by a majority vote of those voting, with power and discretion to affirm, reverse, revise or remand the matter to the Board for further proceedings. The NAPHA Board of Director's decision shall be reduced to writing and provided to the Executive Director who shall send copies to the parties and to the EPR and NAPHA Boards.

**Part 12. - MISCELLANEOUS**

A) Contacts with Parties

- 1) No Board Member or Director of NAPHA shall hear, participate in or vote on any matter in which they are personally involved, about which they have personal and firsthand knowledge, or involving individuals or entities with whom they have had a close business or personal relationship in the past two years.
- 2) No person shall communicate or cause or initiate any communication with any member of the Probable Cause Panel, any member of the Ethical Practice Review Board or any members of the NAPHA Board of Directors concerning the substance of a complaint until after the hearing and any appeal is completed and a decision rendered, or until after the time for appeal has expired. No person shall attempt to influence a member of the Probable Cause Panel, a member of the Ethical Practice Review Board or a member of the NAPHA Board of Directors with respect to any complaint.
- 3) Any such contact or communication shall constitute grounds for disciplinary action against the person initiating or causing the contact or communication.

B) Notice

Any and all notices required or permitted under these rules may be given by personal service or, if mailed, shall be deemed given on the third (3rd) day after such notice is mailed to NAPHA or a party's last known address according to NAPHA's records. All such notices shall be sent first class mail, postage prepaid, and by either registered or certified mail, return receipt requested.

## **RULE IX - POWER OF AMENDMENT**

Part 1. Any rule or regulation promulgated hereunder may be repealed, modified, altered or amended or any new rule may be legally adopted at any regular or special meeting of the Board of Directors by a majority of the members of the Board or by special ballot by mail of the Board of Directors by a majority of the members of the Board.

## **X - POLICIES OF NAPHA REGARDING REGISTRATION**

1. Only the breeder of a horse may use his or her registered initials as a suffix or prefix/suffix or prefix to the name of the horse.

Horses being transferred from another registry, as well as imports and sires/dams not NAPHA registered, will not keep their suffix/prefixes unless the suffix/prefix is already listed with NAPHA. If the name alone is already taken, the registration # of the horse in the original registry will be used in the horse's name to identify it. Horses being recorded in NAPHA will not keep a suffix/prefix if it violates NAPHA rules and policies on the use of such.

2. A breeder's suffix/prefix cannot be removed during subsequent name changes without the written permission of said breeder

3. If a minor amendment to a properly filed stallion report is needed (changing a breeding date, adding one mare or the like) a fine of \$100 will be charged. DNA typing to verify parentage may be requested at the discretion of NAPHA. Any additional changes to that report will require the normal fine of \$500.

4. DNA typing DNA typing of sire, dam and foal to verify parentage is required for any applicant foaled before the submission of the stallion report covering the breeding which produced such applicant. No exceptions.

5. All fees and fines paid for registration are non-refundable and non-transferable.

6. If a certificate of registration mailed by the NAPHA office is lost in the mail, notification by the owner must be made to NAPHA in writing within three months in order for a free duplicate certificate to be issued. After three months, the normal procedures and fees for a duplicate certificate will be required.

7. All NAPHA registered horses over the age of 25 years will be listed as deceased unless NAPHA is notified to the contrary by the recorded owner. The date of death will be listed as the horse's 25th birthdate.

8. **Faxed forms** -Faxed forms for registration may be sent to avoid penalties ONLY if the original form is received within ten days of

receipt of the fax. NAPHA requires the original signature on forms and thus will not accept a fax copy for registration work.

9. If a horse can not be registered with NAPHA, any registration fees already paid may be refunded less a \$15 processing fee.

10. If the Registration Committee grants any leniency in a specific case, that offer is only valid for three months. If the registration is not completed by then, the regular fees and requirements will be required and the Registration Committee will not hear the matter again.

11. Registration Surcharges. If registration comes into the office incomplete, a request will be sent with a \$10 charge. This covers the registration from the date of the request for 60 days. If the registration is completed within that time, there is no further charge (even if the person sends in additional information and receives additional updated Requests within the 60 days.)

If it is not completed within 60 days, there is an additional charge of \$20 which covers the period from 60-90 days. Again, if it is not completed within 90 days, another additional \$30 charge goes into effect covering up to 120 days. If it is not completed within 120 days - there is a final additional charge of \$40 (at this point, all surcharges would total \$150.) After 180 days, the registration work will be placed in the "Dead" file. To re-activate that file, an owner must pay all the outstanding surcharges plus a \$30 re-activation fee. Or, the owner can start over (losing any fees paid.)

12. As they are issued for new horses or re-issued through owner transfer or any other change, certificates for horses which have had their parentage verified by blood or DNA will have such printed on their certificate of registration.

13. NAPHA Forms. NAPHA forms must be used for all registration work - including Service Certificates for mares bred in Peru. Hardship cases may be appealed to the Registration Committee.

14. Parentage Testing - Genetic tests may be required as the Registration Committee determines, including, but not limited to, questions of true parentage or identification of horses. Taking into consideration the results of such tests, and other information as may be available, the Registration Committee may authorize such corrections in the records as may be determined necessary or appropriate.

15. Registration & Re-Registration Certificates - Re-registration certificates are issued to indicate a change in the sire, dam or foaling year. **(a)** A re-registration certificate requires a properly completed registration application, accompanied by a breeder's certificate, a stallion breeding report and a notarized statement from the owner (or lessee or authorized agent for owner) of the dam at time of foaling, which gives details as to why the horse was incorrectly registered. In addition, if the foaling year is changed

to an earlier year, the difference between the registration fee paid at that time and the amount which should have been paid at that time, must be remitted. NAPHA must be provided with the original registration certificate before a re-registration certificate can be issued.

**(b)** When the correct parentage has been established through genetic testing, the Registration Committee may, in the interest of fairness and equity toward an innocent third party, authorize registration or re-registration without the application, breeder's certificate and/or stallion breeding documents, if these documents are unreasonable to require under the particular circumstance.

16. Duplicate Certificate - A duplicate certificate is a new registration certificate issued when the original has been lost or destroyed. It is issued when sufficient proof of loss and proper identification of the horse has been submitted to NAPHA.

(a) In regard to involuntary transfers, including, but not limited to, court judgments and stableman's lien or security interest foreclosure, when it is proven to NAPHA's satisfaction that a previous owner is unavailable to verify via the affidavit the whereabouts of the original certificate or refuses to implement the court's judgment by delivering the original certificate for transfer, at NAPHA's discretion, and in the interest of equity, requirement of affidavit of the record owner may be waived and the current owner deemed eligible for a duplicate certificate.

(b) To issue a duplicate certificate when the record owner or authorized agent cannot be located to complete an affidavit, after all reasonable efforts by the actual owner and then by NAPHA, the following items are required:

(1) Properly completed and signed transfer reports or acceptable bills of sale reflecting each ownership change beginning with the record owner.

(2) Notarized affidavit signed by each party who had the original certificate in his or her possession after the record owner.

(3) A signed statement from actual current owner giving details of all attempts to contact record owner.

(4) Four current full-view photographs of the horse, both sides, front and rear views.

(5) Remittance of proper fees as specified in the fee schedule.

17. Historical Records - HR = some unresolved discrepancy in a horse's basic information

When a horse's registration cannot be completed under any other registration rules, the horse may be issued a Historical Records Registration Certificate. Any horse which would otherwise be eligible for registration from an approved registry where the records for that horse:

a) are incompatible with other existing records

b) are incompatible with known genetic probabilities (color, etc.)

c) show that the horse was not registered in conformity with the registration rules

d) contain any similar situation where the registration information on the

horse is in serious doubt, said horse and all subsequent progeny will be registered in the Historical Records of NAPHA. Horses registered in the Historical Records will be included in the NAPHA Stud Book and indicated by a different colored and noted Registration Certificate. In the pedigree of a horse with such discrepancy(ies), the parent(s) in question would simply be shown as “unknown”. Documentation on the discrepancy(ies) requiring Historical Record registration will be kept on file and may be available by inquiry. Whenever said discrepancy(ies) can be resolved, the “HR” designation would be lifted from that horse and its progeny

**RULE XI - SUFFIX/PREFIX RULES**

Effective Jan. 1, 2008, NAPHA will adopt the same International Code List that Peru will be using to identify the countries in which Peruvian horses are bred. Example would be JRM (P) with the (P) telling us that the breeder was from Peru. Or JRM (E) the breeder would be from Ecuador. The following codes will be used:

ARGENTINA	AR	
AUSTRALIA	AU	
AUSTRIA	AT	
BAHAMAS	BS	
BELGIUM	BE	
BELIZE	BZ	
BERMUDA	BM	
BOLIVIA	BO	
BRAZIL	BR	
CANADA	CA	
CHILE	CL	
COLOMBIA	CO	
COSTA RICA	CR	
ECUADOR	EC	
EL SALVADOR	SV	
FRANCE	FR	
GERMANY		DE
GUATEMALA		GT
HONDURAS		HN
IRELAND		IE
ISRAEL		IL

ITALY	IT
JAPAN	JP
MEXICO	MX
NETHERLANDS	NL
NEW ZEALAND	NZ
NICARAGUA	NI
NORWAY	NO
PANAMA	PA
PARAGUAY	PY
PERU	PE
PORTUGAL	PT
PUERTO RICO	PR
SPAIN	ES
SWEDEN	SE
SWITZERLAND	CH
UNITED KINGDOM	GB
UNITED STATES	US
URUGUAY	UY
VENEZUELA	VE

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### **IMPORTANT TIME LINES**

January 1, 2006 - any horse being registered with NAPHA must first have its DNA on record. All horses being registered for the first time must have parental verification as a qualification for registration.

January, 2007 - Peru began requiring DNA with parental verification. All horse born after this date must have DNA and parental verification to be registered.

February, 2006

September 11, 2007 - Updated by action of the NAPHA Board of Directors