

**DISCIPLINARY PROCEDURES POLICY
OF THE
UNITED STATES POLO ASSOCIATION**

Adopted by the Board of Governors on September 22, 2018

INTRODUCTION

This Disciplinary Procedures Policy (this “Policy”) sets forth the rules and procedures of the United States Polo Association (the “Association”) relative to its authority to impose disciplinary measures against its Members for misconduct as set forth herein. The procedures in this Policy are intended to provide for the prompt and equitable resolution of grievances, including, to the extent set forth herein, the right to fair notice and a hearing prior to termination of membership.

This Policy contains four (4) sets of procedures, each of which relates to a different type of Member conduct. These procedures are:

- I. Sport-Related Conduct Violation Procedures,
- II. Membership-Related Conduct Violation Procedures,
- III. Sport Protest Procedures, and
- IV. Equine Drugs and Medications Rules Violation Procedures.

AMENDMENTS

This Policy may be amended only by the affirmative vote of a majority of the Board of Governors of the Association.

**PART I:
SPORT-RELATED CONDUCT VIOLATION PROCEDURES**

Introduction

These Sport-Related Conduct Violation Procedures are intended to provide a disciplinary procedures process through which the Association may regulate Member conduct relative to the sport of polo or at any Event, whether on or off the field.

A. Conduct Violations.

Any Member Club or Individual Member will be deemed to have committed a “Conduct Violation” for a violation of the Association’s Code of Conduct (whether on or off the polo field), Rules (as defined in the By-laws), Constitution, By-laws, Board-approved policies, directives or Terms and Conditions of Membership, or for a failure to obey a penalty imposed under the Rules or these Sport-Related Conduct Violation Procedures, to the extent such violation or failure relates to the Member Club’s or Individual Member’s conduct relative to the sport of polo, including, but not limited to, player or umpire conduct or any equine welfare issues.

B. Complaints and Charges.

1. Conduct Violation Complaints. A complaint of a Conduct Violation (each, a “Conduct Violation Complaint” may be made by any Registered Player Member, Affiliate Player Member, Officer, Governor, employee of the Association, or Official (*i.e.*, umpire, referee, timekeeper, scorekeeper, goal judge, or Host Tournament Committee member) of the event who is a witness to an alleged Conduct Violation or by the Chairman or Chief Executive Officer of the Association.

a. Complaint Requirements. All Conduct Violation Complaints shall be: (i) in writing describing the alleged Conduct Violation in reasonable detail, including, if applicable, the manner in which it was witnessed; (ii) signed by the complaining party; and (iii) delivered within seventy-two (72) hours of the alleged Conduct Violation to either the Chairman or Chief Executive Officer of the Association. Notwithstanding (iii) immediately above, Conduct Violation Complaints filed *by* the Chairman of the Association shall be delivered to the Chief Executive Officer of the Association and Conduct Violation Complaints filed *by* the Chief Executive Officer of the Association shall be delivered to the Chairman of the Association, each within seven (7) days of the alleged Conduct Violation. The Association will not prosecute alleged Conduct Violations in the absence of a Conduct Violation Complaint that complies in all material respects with the provisions set forth in these Sport-Related Conduct Violation Procedures.

b. Notice of Complaints. Copies of all Conduct Violation Complaints will be delivered to the person against whom the Conduct Violation Complaint has been filed within seventy-two (72) hours of receipt by the Association. Copies of all Conduct Violation Complaints made to the Association will be forwarded to any host tournament committee and/or Member Club involved in any such Conduct Violation Complaint within seventy-two (72) hours of receipt by the Association.

c. Recordkeeping and Inspection. The Association will keep a record of all Conduct Violation Complaints. The Association will make available for inspection by Registered Player Members the final decision of the Association regarding any Conduct Violation Complaint for which a decision is issued, including the nature of the violation and any penalty imposed.

d. Multiple Complaints. In the event that more than one Conduct Violation Complaint is filed, based on a single alleged Conduct Violation, or based on multiple alleged Conduct Violations occurring within a twenty-four (24) hour period, such Conduct Violation Complaints shall be considered collectively by the Executive Committee. Notwithstanding the foregoing, for purposes of determining whether to assess any fine under Section G.1.d. below, the Executive Committee may consider each Conduct Violation separately.

2. Election Not to Issue Charges. If the Association elects not to issue charges based upon a Conduct Violation Complaint, the complaining party will be notified of such election within seventy-two (72) hours following the decision not to issue charges. The Association must decide whether to issue charges within fifteen (15) calendar days following receipt of a Conduct Violation Complaint.

3. Member Club Determinations. The imposition of penalties against any Individual Member by a Member Club will not automatically result in charges being brought or penalties being imposed against the Individual Member by the Association. Rather, the Executive Committee shall be responsible for determining whether to issue charges based on any Conduct Violation Complaint brought in connection with the activity for which the Member Club imposed penalties and, if so, whether to assess any penalties against the Individual Member in accordance with the procedures set forth herein.

C. Notice.

1. Entitlement to Notice and a Hearing. Any person against whom a charge is issued is entitled to a hearing of the alleged Conduct Violation and to notice of the same. If a charged party fails to appear at a properly noticed and scheduled hearing, the hearing will be held in absentia.

2. Notice of an Expedited Hearing. The Association may hold an expedited hearing within seven (7) calendar days of issuance of the charge, provided that the charged party is given written notice at least forty-eight (48) hours prior to the scheduled expedited hearing. The notice of hearing must: (a) contain a brief statement of the facts constituting the alleged Conduct Violation; (b) identify the specific provision of the Association Code of Conduct, Rules, Constitution, By-laws, Board-approved policies, directives or Terms and Conditions of Membership allegedly violated; (c) specify the time and place at which the hearing is to be held; and (d) include a list identifying: (i) the evidence to be introduced at the hearing, (ii) the names of the witnesses, and (iii) the substance of their testimony. This notice-of-hearing requirement may be waived in writing by the charged party.

3. Notice in the Absence of an Expedited Hearing. In the absence of an expedited hearing, written notice to the charged party must be given within seven (7) calendar days from the date that the decision is made by the Association to issue charges. Such notice of hearing must: (a) contain

a brief statement of the facts constituting the alleged Conduct Violation; (b) identify the specific provision of the Association Code of Conduct, Rules, Constitution, By-laws, Board-approved policies, directives or Terms and Conditions of Membership allegedly violated; (c) specify the time and place at which the hearing is to be held or state that the hearing date will be determined at a later time as soon as reasonably practicable; and (d) include a list identifying: (i) the evidence to be introduced at the hearing, (ii) the names of the witnesses, and (iii) the substance of their testimony.

4. Optional Response by the Charged Party. Prior to any scheduled hearing, the charged party may submit to the Executive Committee or Hearing Officer(s), if any, a written response to the charges and may include written and signed statements of others having knowledge of the facts. Alternatively, a charged party may agree to the disposition of the charges without the necessity of a hearing.

D. Temporary Suspensions.

The Executive Committee may temporarily suspend any charged party from participating in any manner in the affairs and events of the Association so long as an expedited hearing is noticed and held within seven (7) calendar days of the time such suspension becomes effective. In a case where the charged party has been temporarily suspended prior to a hearing, a decision on the charge shall be made by the committee within twenty four (24) hours of the conclusion of the expedited hearing.

E. Hearings of Charges.

1. Proceedings in English. All disciplinary proceedings, including, but not limited to, hearings of charges of alleged Conduct Violations, will be conducted in the English language and in the presence of the charged party, unless the charged party fails to appear, in which case the proceedings may be held in absentia. The failure to understand the charges or any proceedings in English shall not provide the basis for an appeal by any charged party. Interpreters, if required by the charged party, are the responsibility of the charged party.

2. Role of Executive Committee and Hearing Officers. Hearings shall be heard by the Executive Committee of the Association or by one or more individuals appointed by the Executive Committee (such individuals to be members of the Executive Committee, Governors, staff members of the Association, legal counsel for the Association, or such other agents of the Association deemed appropriate by the Executive Committee) (each, a “Hearing Officer” and collectively, the “Hearing Officers”). If one or more Hearing Officer(s) is appointed by the Executive Committee, such Hearing Officer(s) may, to the extent directed by the Executive Committee, collect all testimony proffered, report all findings of facts to the Executive Committee, and make a non-binding penalty recommendation to the Executive Committee.

3. Presentation of Evidence. A charged party may attend his or her hearing, with or without counsel, or may send a representative, and may defend against the charges by calling and cross examining witnesses, submitting signed statements, or presenting other evidence.

4. Burden of Proof. The Executive Committee shall have the burden of proving any charge. The burden of proof shall not be that as required in a court of law. The burden of proof necessary to sustain a charge against a charged party shall be met if the Executive Committee reasonably believes, after hearing the evidence presented, that a Conduct Violation has occurred.

5. Authority to Impose Penalties. The Executive Committee shall have the power and authority to impose any of the penalties described in these Sport-Related Conduct Violation Procedures; provided, however, that any proposal to expel, remove, or terminate a Member from the Association shall be subject to the approval of the Board of Governors. A non-binding penalty recommendation of the Hearing Officer(s), if any, may be accepted, modified, or rejected by the Executive Committee.

6. Final Orders. A final order setting forth the determination and the findings of facts on which it is based, as well as the penalty, if any, to be imposed on the charged party, will be entered by the Association within fifteen (15) calendar days following the conclusion of the hearing.

F. Continuances.

1. Continuance Applications. All applications for continuance of any hearing shall (a) be made in writing to the Executive Committee at least five (5) calendar days prior to the scheduled hearing and (b) state the reasons the continuance is sought. Applications for a continuance of an expedited hearing made by a charged party will not be accepted.

2. Approval or Denial of Continuance Applications. The Executive Committee may, in its sole and reasonable discretion, approve or deny an application for a continuance; provided, however, that no continuances of expedited hearings will be granted to any charged party.

3. Continuance Fees. An application for a first continuance of a hearing must be accompanied by a non-refundable continuance fee of Five Hundred Dollars (\$500.00) payable to the Association. Any second or subsequent application for continuance must be accompanied by a non-refundable continuance fee of One Thousand Dollars (\$1,000.00) payable to the Association. In deciding whether to approve or deny an application for continuance, the Executive Committee also may consider whether the party requesting the continuance has agreed in writing to pay some or all of the expenses of the Association, Member Club, and/or witnesses that would result from approving the continuance.

G. Penalties.

1. Penalty Examples. If found guilty of any charge properly brought before the Executive Committee, the charged party will be subject to such penalty as the Executive Committee may determine, including, but not limited to:

a. Censure. A letter of censure may be listed in the Association's record of penalties. If found guilty of a subsequent Conduct Violation, the censured party may be subject to a more severe penalty than for a previous offense.

b. Suspension. Suspension for any period from participating in any Association events and activities.

c. Expulsion/Removal/Termination. Expulsion/removal/termination from the Association as a Member. Any proposed expulsion/removal/termination from membership shall be subject to the approval of the Board of Governors.

d. Fines. Fines may be assessed, provided that such fines shall not exceed the sum of Ten Thousand Dollars (\$10,000.00) for each Conduct Violation.

e. Probation. The Executive Committee may determine probationary conditions for a charged party found guilty of a charge. A violation of a probation condition may be treated as a Conduct Violation.

f. Costs. Actual reasonable costs and out-of-pocket expenses incurred by the Association, a Member Club, and/or witnesses may be assessed in addition to any penalty.

2. Effective Date of Penalty. The effective date of any suspension or probation, and the deadline for the payment of any fine or costs, will be set by the Executive Committee or the Board of Governors, as applicable.

3. Failure to Pay. Failure to pay any fine and/or costs within 30 days of notice of the deadline of the same will result in automatic suspension from the date the fine and/or costs became payable until the fine and/or costs are paid. Fines and/or costs are considered paid when receipt is acknowledged by the payee designated by the Association. Failure to timely pay any fine and/or costs shall be treated as a Conduct Violation.

H. Appeal of Decisions

1. Notice of Appeal. A decision by the Association will be final unless a party to the proceeding files with the Association a written notice of appeal of the decision (a "Notice of Appeal") together with the requisite appeal fee within fourteen (14) calendar days of the issuance of a final order.

a. Appeal Fee. Any Notice of Appeal by a charged party must be accompanied by an appeal fee in the amount of One Thousand Dollars (\$1,000.00) payable to the Association.

b. Forfeiture of Appeal Fee. In the event that a charged party does not complete the appeals process, the appeal fee will be forfeited.

c. Application or Return of Appeal Fee. Within thirty (30) calendar days following the conclusion of the appeal hearing, the appeal fee will be returned to the charged party unless the charged party is indebted to the Association for any fees, costs, or fines, in which event the amount of such items shall be deducted from the appeal fee prior to any refund.

2. Role of Board of Governors and Appeal Hearing Officers. On receipt of a Notice of Appeal, the Board of Governors either will conduct an appeal hearing or will appoint one or more individuals (such individuals to be members of the Board of Governors, staff members of the Association, legal counsel for the Association, or such other agents of the Association deemed appropriate by the Board of Governors) (each an “Appeal Hearing Officer” and collectively, the “Appeal Hearing Officers”) to conduct an appeal hearing. At the appeal hearing, all testimony previously given will be considered, as will all other evidence presented at the initial hearing. If one or more Appeal Hearing Officer(s) is appointed by the Board of Governors, such Appeal Hearing Officer(s) shall report its findings to the Board of Governors and may make a non-binding recommendation to the Board of Governors regarding whether to reduce, sustain, or increase any penalties initially imposed by the Executive Committee.

3. Appeal Hearing. In the event that the charged party timely files a Notice of Appeal, the Association will give the appellant at least ten (10) calendar days’ written notice of the date, time, and place of the appeal hearing. Unless the Board of Governors decides otherwise for good cause, the appeal hearing shall be held in the State and County of the alleged Conduct Violation. Likewise, unless the Board of Governors decides otherwise for good cause, the appeal hearing shall be held within forty (40) calendar days following the Association’s receipt of a properly filed Notice of Appeal. Upon request of the charged party, the Board of Governors will permit the charged party to be heard in person and/or represented by an attorney. The parties may file written memoranda with the Board of Governors objecting to or in support of the initial disciplinary action relating to a Conduct Violation, and the findings upon which it was based, in whole or in part.

4. Final Orders on Appeal. Within fifteen (15) calendar days after completing the appeal hearing, the Board of Governors will issue a final order setting forth its findings, its decision, and its reasons therefor. The Board of Governors may reduce, sustain, or increase any penalties initially imposed by the Executive Committee.

5. Stay of Penalty upon Appeal. If a penalty of any kind is appealed, the charged party may request, in writing, that such penalty be stayed until such time as the appeal has been heard by the Board of Governors. The Board of Governors will timely grant or deny the charged party’s request for a stay as it deems appropriate. To the extent that a stay of the penalty is granted, and the charged party fails to prevail on the appeal, any time periods relating to the penalty shall be extended by a number of days equal to the stay.

I. Publication and Enforcement of Association Decisions.

1. Notice of Decisions. Notice of final determinations of the Executive Committee, or the Board of Governors, as the case may be, including the nature of the violation, the decision of the Executive Committee or Board of Governors, and any penalty imposed, shall be published to the Member Clubs of the Association and shall be provided to the Hurlingham Polo Association, the Association of Argentine Polo, and the Federation of International Polo.

2. Enforcement of Association Decisions by Member Clubs. On receipt of notice by Active Member Clubs or Affiliate Member Clubs from the Association that a disciplinary penalty

has been imposed on an Individual Member by the Association for a Conduct Violation, the notice will be honored and enforced by Member Clubs receiving such notice.

PART II: MEMBERSHIP-RELATED CONDUCT VIOLATION PROCEDURES

Introduction

These Membership-Related Conduct Violation Procedures are intended to provide a disciplinary procedures process through which the Association may regulate Member conduct relative to an individual's conduct as a Member of the Association, regardless of whether such conduct is directly related to the sport of polo.

A. Generally.

At any time when cause has been established, the Board of Governors may:

- 1) expel/remove/terminate a Member from the Association,
- 2) convert an Individual Member to Player-Only Member status, or
- 3) deny the membership application of any current or former Member.

Notwithstanding the foregoing, prior to expelling/removing/terminating a Member from the Association, the Board of Governors shall provide the Member with a minimum of seven (7) calendar days' written notice, during which time the Member may submit a written statement concerning the allegations under consideration by the Board or request an appearance before the Board, which request shall be granted by the Board within a reasonable time period thereafter. At any time where a Registered Player Member's membership status has been converted to Player-Only Member status, such Player-Only Member shall be given the opportunity to apply for reinstatement as a Registered Player Member at the end of the fiscal year in which his or her status was converted to Player-Only Member status.

B. Cause.

"Cause" shall be considered established at any time where:

1. a Member acts in a manner that is deemed, in the sole discretion of the Board of Governors, to violate or be inconsistent with the provisions or spirit of the Association's Articles of Incorporation, By-laws, Constitution, Code of Conduct, Terms and Conditions of Membership, or any policies adopted by the Board, not including any Conduct Violation described in the Sport Related Conduct Violation Procedures; or

2. a Member's conduct is disruptive to the purposes, activities, or operations of the Association, as determined in the sole discretion of the Board of Governors; and, as a result, the Board of Governors determines it to be in the Association's best interests to

expel/remove/terminate the Member from the Association or to deny the membership application of any current or former Member.

For the avoidance of doubt, the conviction of a crime by any Individual Member, or determination that such Individual Member was found liable in a civil court proceeding involving claims of abuse, neglect, or mistreatment of a horse or other animal shall constitute “cause”.

C. Temporary Suspensions.

If the Board determines it to be in the best interests of the Association, the Board of Governors may temporarily suspend any Member from participating in any manner in the affairs and events of the Association, provided that the Member is given an opportunity to respond and a determination by the Board of Governors regarding the imposition of a penalty is made within seven (7) calendar days of the time such temporary suspension becomes effective.

**PART III:
SPORT PROTEST PROCEDURES**

Introduction

These Sport Protest Procedures are intended to provide a process by which disagreements with the non-discretionary decisions of a Tournament Committee or Officials of a USPA Event (as defined in the Tournament Conditions) may be protested.

A. Protests

Any disagreement with the non-discretionary decisions of the Tournament Committee and/or Officials conducting a USPA Event may be protested, provided that notice of the disagreement is delivered verbally to any of the following within twenty-four (24) hours after the disagreement arises: a member of the Tournament Committee, a Circuit Governor, the Chief Executive Officer, or the Chairman of the Association.

B. Filing of Protests

1. A protest may be filed by (a) any aggrieved Individual Member who is also a participant in the Event, (b) an Official of the Event, or (c) an Officer or Governor of the Association.

2. All protests must be: (a) filed in writing, (b) received within forty-eight (48) hours of the Event in which the disagreement arose, (c) signed by the protesting party, (d) addressed to the Association, and (e) delivered to the Chairman or Chief Executive Officer.

C. Protest Investigations and Rulings

The Chief Executive Officer, or his or her designee, shall make an investigation of the protest and shall report findings to the Executive Committee. A ruling on the protest shall be issued by the Executive Committee within forty-eight (48) hours after receipt of such findings from the Chief Executive Officer; provided, however, that any proposal to expel/remove/terminate a Member from the Association shall be subject to the approval of the Board of Governors. The protesting party will be notified of the decision in writing within twenty-four (24) hours of the issuance of the Executive Committee's ruling.

**PART IV:
EQUINE DRUGS AND MEDICATIONS RULES VIOLATION PROCEDURES**

Introduction

These Equine Drugs and Medications Rules Procedures are intended to provide a disciplinary procedures process for violations of the Equine Drugs and Medications Rules.

A. Application and Incorporation.

These Equine Drug and Medications Rules Violation Procedures shall apply to all charges and proceedings arising out of alleged violations of the Equine Drugs and Medications Rules of the Association. The Equine Drugs and Medication Rules of the Association are incorporated herein by reference.

B. Equine Drugs and Medications Rules Violation.

Any Responsible Party(ies) (as defined in Rule 6.2 of the Association's Equine Drugs and Medications Rules) found, after hearing and appeal, if any appeal, to have violated the Equine Drugs and Medications Rules of the Association, or having failed to obey a penalty imposed hereunder, shall be deemed to have committed an Equine Drugs and Medications Rule Violation (each, an "EDM Violation").

C. Initiation of Charges, Record.

1. Initiation of Charges. Initiation of a charge by complaint under this Rule for an alleged violation of the Equine Drugs and Medications Rules (an "EDM Violation Complaint" or "EDM Charge") shall be made by the Chairman of the Association or his designee; provided, however that:

a. If the EDM Violation Complaint is based upon equine blood sampling, that both of two samples taken from a horse which forms the basis for the alleged EDM Violation have tested positive for drugs or medications in violation of the Association's Equine Drugs and Medications Rules; and

b. All EDM Violation Complaints shall be: (i) in writing, describing in reasonable detail the alleged EDM Violation; (ii) received by the Responsible Party(ies) within seventy-two (72) hours of the receipt of the Association of either (a) an EDM Violation Complaint (if the allegations are not based upon testing); or (b) the results of the sample test from the USPA designated laboratory which are the basis for the EDM Violation Complaint; and (iii) signed by the Association.

2. Record. The Association will keep a record of all EDM Violation Complaints available for inspection by Registered Players.

D. Notice.

1. Notice of Hearing Required. Any Responsible Party(ies) against whom an EDM Violation Complaint is issued is entitled to notice of a hearing of the alleged EDM Violation. Notwithstanding the above, should a Responsible Party fail to appear at a duly noticed hearing, the hearing shall be held in absentia. A corporate identity which is a Responsible Party charged hereunder must send an authorized representative to such hearing. The Association may hold an expedited hearing within seven (7) calendar days of issuance of the charge, provided that the Responsible Party(ies) is(are) given written notice at least forty-eight (48) hours prior to the scheduled expedited hearing.

The Notice of Hearing shall:

- (a) contain a brief statement of the facts constituting the alleged EDM Violation;
- (b) identify the specific Association Equine Drugs and Medications Rule(s) allegedly violated;
- (c) specify the time and place at which the hearing is to be held; and
- (d) include a list identifying: (i) the evidence to be introduced at the hearing; (ii) the names of the witnesses; (iii) the substance of their testimony; and
- (e) provide a copy of any testing report(s) from the laboratory that is(are) are to be introduced as evidence at the hearing.

This Notice of Hearing requirement may be waived in writing by the Responsible Party(ies). For purposes of this paragraph, written notice shall be deemed to have been properly given to a Responsible Party(ies) by the Association if the notice is sent via hand-delivery, facsimile, express mail, email or certified mail to the address of the Responsible Party(ies) listed in the Association's records. If sent by email, service is complete upon receipt by the Association of an acknowledgment by the Responsible Party(ies) of receipt of the Notice of Violation.

2. Notice to Responsible Party. In the absence of an expedited hearing, written notice to the Responsible Party(ies) must be given within seven (7) calendar days from the date that the decision is made to issue charges by the Association. Such notice shall:

- (a) contain a brief statement of the facts constituting the alleged EDM Violation;
- (b) identify the specific Association Equine Drugs and Medications Rule(s) allegedly violated;
- (c) specify the time and place at which the hearing is to be held; and
- (d) include a list identifying: (i) the evidence to be introduced at the hearing; (ii) the names of the witnesses; (iii) the substance of their testimony; and
- (e) provide a copy of any testing report(s) from the laboratory that is (are) to be introduced as evidence at the hearing. For purposes of this paragraph, written notice shall be deemed to have been properly given to a Responsible Party(ies) by the Association if the notice is sent via hand-delivery, facsimile, express mail, email or certified mail to the address of the Responsible Party(ies) listed in the Association's records. If sent by email, service is complete upon receipt by the

Association of an acknowledgment by the Responsible Party(ies) of receipt of the Notice of Violation.

3. **Responsible Party Evidence and Information.** At least twelve (12) hours before the scheduled hearing, the Responsible Party(ies):

- a. may submit to the EDM Hearing Committee a written response to the charges, and include written and signed statements of others having knowledge of the facts at issue; and
- b. may submit the name, resume and written report of any veterinary doctor, scientist or other trained expert the Responsible Party(ies) plan to call as a witness before the EDM Hearing Committee; or
- c. may agree to a disposition of the charges without the necessity of a hearing.

Notwithstanding the foregoing, failure of a Responsible Party(ies) to submit the evidence and other information within the time period set forth above may result in the exclusion of such evidence at the scheduled hearing.

E. Hearing of Charges.

1. All proceedings will be conducted in the English language and in the presence of the Responsible Parties(ies), unless the Responsible Party(ies) fails to appear, in which case the proceedings may be held in absentia. Hearings shall be heard by an EDM Hearing Committee as constituted hereunder, which shall conduct the proceedings.

2. The EDM Hearing Committee shall determine and approve a Final Order setting forth the findings of facts and conclusions on which it is based, as well as the Penalty, if any, to be imposed on the Responsible Party(ies), will be entered by the EDM Hearing Committee within fifteen (15) calendar days following the conclusion of the hearing. Upon the conclusion of such hearing and the entry of a Final Order, copies of all findings, conclusions, recommendations and Final Orders will be delivered to the Association. The Association shall thereafter promptly provide the Responsible Party(ies) with a copy of all findings, conclusions, recommendations and Final Orders.

3. At any hearing conducted pursuant to this section, the Responsible Party(ies), or counsel designated by same, will have an opportunity to present evidence, defend against the charges and cross examine witnesses.

F. EDM Hearing Committees.

The Board of Governors has authorized the creation of one or more committees to hold hearings on charges of any alleged Violation of the Equine Drugs and Medication Rules and make determinations on behalf of the Association on such matters (each, an “EDM Hearing Committee”). All EDM Hearing Committees considering alleged EDM Violations shall at all times consist of at least three (3) individuals, a majority of whom must also be Governors, at least one of whom shall be an equine veterinarian licensed in the United States, and all of whom serve at the pleasure of the Board of Governors.

G. Evidence; burden and standard of proof required.

1. Presentation of Evidence. The Responsible Party(ies) may attend the hearing on the alleged EDM Violation at their option, with or without counsel, or may send a representative and may call witnesses and submit signed statements or other evidence provided that such information is timely delivered to the Association before the scheduled hearing. Interpreters, if required by the Responsible Party(ies), are the responsibility of the Responsible Party(ies) and not the Association. The failure to understand the charges or any proceedings in English shall not provide the basis for an appeal.

2. Burden of Proof. The Association has the burden of proving the EDM Violation. The burden of proof shall not be that as required in a court of law. The standard of proof required for a finding of an EDM Violation shall be “substantial evidence,” which means affirmative evidence of such a clear and definite nature as to reasonably establish a fact.

H. Continuances.

1. Applications for Continuance. Applications for continuance of any hearing must be made to the EDM Hearing Committee in writing, shall be subject to the requirements set forth in this paragraph below, and shall state the reasons why such a continuance is sought.

a. In all cases set for hearing on written notice to the Responsible Party(ies) exceeding ten (10) calendar days, the application for continuance must be received by the EDM Hearing Committee at the address designated in the Notice of Hearing at least seven (7) calendar days prior to the scheduled hearing date.

b. An application for continuance received less than seven (7) calendar days prior to the scheduled hearing date, but prior to the hearing, will not be granted unless a written arrangement is made to the satisfaction of the EDM Hearing Committee for the payment of all expenses incurred by the EDM Hearing Committee, the Association and witnesses resulting from the granting of any such application for continuance.

c. No continuances of expedited hearings will be granted to the Responsible Party(ies).

2. Continuance Fees. Except as otherwise provided with respect to expedited hearings, a continuance will be granted to any party to the proceeding only for good cause shown. An application for a first continuance of a hearing must be in writing and accompanied by a non-refundable continuance fee of Five Hundred Dollars (\$500.00) made payable to the Association. Any second or subsequent application for continuance will only be considered if submitted in writing together with a continuance fee of One Thousand Dollars (\$1,000.00), payable to the Association.

I. Temporary Suspension.

If applicable, upon receipt by the Association of the testing report confirming the presence of prohibited drugs and/or medications in a sample taken from the horse of a Responsible Party(ies), the Chairman of the Association or Executive Director may, prior to a hearing, temporarily suspend any Responsible Party(ies) from participating in any manner in the affairs and events of any Association Member Club or the Association so long as an expedited hearing is noticed and held within seven (7) calendar days of the time such suspension is effective. In a case where the Responsible Party(ies) has(have) been temporarily suspended prior to a hearing, a decision on the charge shall be made by the EDM Hearing Committee within twenty four (24) hours of the conclusion of the expedited hearing.

J. Appeal of Decisions.

1. Notice of Appeal. A decision by the EDM Hearing Committee will be final unless a party to the proceeding files a written Notice of Appeal together with the requisite Appeal Fee with the Association within fourteen (14) calendar days of the issuance of the Final Order.

a. Any Notice of Appeal filed by a Responsible Party(ies) must be accompanied by an Appeal Fee in the amount of One Thousand Dollars (\$1,000) payable to the Association.

b. In the event that (a) Responsible Party(ies) do (does) not complete the appeal process, the Appeal Fee will be forfeited.

c. Within thirty (30) calendar days following the conclusion of the Appeal Hearing, the Appeal Fee will be returned to the Responsible Party(ies) unless the Responsible Party(ies) is indebted to the Association for any fees, costs or fines, in which event the amount of such items shall be deducted from the Appeal Fee prior to any refund.

2. Appeal Committee, Further Appeal.

a. On receipt of a timely Notice of Appeal from any party, the Association will designate an Appeal Committee which will have the authority, in their discretion, to either schedule and conduct a hearing or require the Responsible Party(ies) to submit its arguments in writing for consideration.

b. The Appeal Committee shall consist of the following:

1. A equine veterinarian licensed in the United States who did not sit on the Hearing Committee for the matter subject to appeal; and

2. The Chairman or his designee, provided that such individual did not sit on the initial Hearing Committee for the alleged EDM Violations subject to appeal.

3. Additionally, a majority of the members of the Appeal Committee shall be members of the Board of Governors, and all members of the Appeal Committee shall serve at the pleasure of the Board of Governors.

c. At the hearing, should one be scheduled and conducted before the Appeal Committee, all testimony and other evidence previously presented to the EDM Hearing Committee

shall be considered. The Appeal Committee may reduce, sustain, or increase any penalties initially imposed; provided, however, that any proposal to remove a Member from the Association shall be subject to the approval of the Board of Governors.

d. On receipt of a written, timely Notice of Appeal from an Association Appeal Committee decision, the Appeal will be decided by the Executive Committee of the Board of Governors.

3. Appeals by a Responsible Party. In the event that the Responsible Party(ies) timely appeals a decision recommended by the EDM Hearing Committee, the Appeal Committee designated by the Association shall give the appellant at least ten (10) calendar days' written notice of the date, time and place of the appeal hearing, should one be scheduled. Unless the Appeal Committee decides otherwise for good cause, the appeal hearing shall be held in the State and County of the alleged EDM Violation. Likewise, unless the Appeal Committee decides otherwise for good cause, the hearing shall be held within forty (40) calendar days following the receipt by the Association of a properly filed appeal. If requested by the Responsible Party(ies), the Appeal Committee will permit the Responsible Party(ies) to be heard in person and/or as represented by an attorney. The parties may file written memoranda with the Appeal Committee objecting to or in support of the initial EDM Hearing Committee findings and accompanying disciplinary action.

4. Appeal Committee Report. Within fifteen (15) calendar days after completing the Appeal Hearing, the Appeal Committee will issue a report setting forth its findings, its decision and its reasons therefore, and will transmit the same to the Responsible Party(ies) and to the Association.

5. Executive Committee Authority on Appeal. If the Association timely receives a written Notice of Appeal from the Responsible Party(ies) of the decision of the Appeal Committee, the Executive Committee of the Board of Governors shall constitute the final body of appeal for all decisions and shall have the authority to review the entire transcript of any hearings and any and all evidence submitted to the EDM Hearing Committee and the Appeal Committee in connection with the alleged EDM Violation. The Executive Committee shall have the power to affirm, modify or reverse the decision appealed. Such an appeal must be filed with the Office of the Association within fourteen (14) calendar days of the Appeal Committee decision.

K. Penalties.

1. Penalties. If found guilty of any EDM Violation properly brought before a Hearing Committee, the Responsible Party(ies) will be subject to such penalties as the EDM Hearing Committee, the Appeal Committee, the Executive Committee, or the Board of Governors, as applicable, determine, including, but not limited to:

a. For a first violation:

1. Letter of censure to be listed in the Association's record of penalties and published by the Association;

2. Fine of \$1,000 (one thousand dollars) in addition to all fees and costs incurred by the Association and its witnesses;

3. Probation for 6 (six) months.

b. For a second violation:

1. Letter of censure to be listed in the Association's record of penalties and published by the Association;

2. Fine of \$5,000 (five thousand dollars) in addition to all fees and costs incurred by the Association and its witnesses;

3. Suspension for any period from participating in any Association or Member Club events and activities and an additional period of Probation; and

c. For a third violation:

1. Letter of censure to be listed in the Association's record of penalties and published by the Association;

2. Fine of \$10,000 (ten thousand dollars) in addition to all fees and costs incurred by the Association and its witnesses;

3. Forfeiture of all of those games won and Association tournament won (if any) by the team for which horse that tested positive played in that Association tournament;

4. Expulsion from Association membership. Whether such expulsion shall be temporary or permanent shall be at the discretion of the Board of Governors.

d. For all violations:

1. Disqualification. The EDM Hearing Committee may also impose the sanction of retroactive disqualification from any Association game or tournament.

2. Publication. Any findings, conclusions, rulings, recommendations and/or penalties of a Hearing Officer, the EDM Hearing Committee, Board of Governors, or Chairman of the Association under this By-law may be published to the Member Clubs of the Association, any foreign associations and the news media.

2. Multiple Allegations. When more than one allegation of an EDM Violation against any Responsible Party(ies) arises out of testing of samples from one date in one location, the EDM Hearing Committee shall determine, in its sole discretion, whether those allegations constitute one or multiple EDM Violations for purposes of assessing the Penalties hereunder.

3. Probation Condition Violations. A violation of a Probation condition may be treated as an EDM Violation.

4. Publication. Any findings, conclusions, rulings, recommendations and/or penalties of an EDM Hearing Committee, Appeal Committee, Board of Governors, or Chairman of the Association, may be published to the Member Clubs of the Association, any foreign associations and to the news media.

5. Costs. Actual reasonable costs and out of pocket expenses incurred by the EDM Hearing Committee, Appeal Committee, Association and/or witnesses may be assessed in addition to any penalty. Failure to timely pay for costs shall be treated as an EDM Violation.

L. Publication and Enforcement of Association Decisions by Member Clubs.

The issuance on the Association's website of a final decision by the Association as to any EDM Violation and any attendant penalties imposed therefore shall, once all rights of appeal have either been exhausted or lapsed, be binding on all Member Clubs.

M. Stay of Penalty Upon Appeal.

If a penalty of any kind is appealed, the Responsible Party(ies) may request, in writing, that any penalty imposed be stayed until such time as the Appeal has been heard by the proper Committee or Board. The Committee hearing the appeal will timely grant or deny the Responsible Party's(ies)' request for a stay as it deems appropriate. To the extent that a stay of the penalty is granted by the Committee hearing the appeal, and the Responsible Party(ies) fails to prevail on the appeal, the time periods relating to the penalty shall be extended by a number of days equal to the stay.

N. Effective Date of Penalty.

1. The effective date of any suspension, probation or expulsion, and the deadline for the payment of any fine, will be set by the EDM Hearing Committee.

2. Failure to timely pay a fine and/or costs which have been properly levied will constitute automatic suspension of the Responsible Party(ies) subject to the fine and/or order of costs from the date the fine and/or costs were payable until the fine and/or costs are paid. A fine and/or costs are considered paid when actually receipt by the Association in cleared funds.