

Breeders were offered an open forum through which they could air their views about the new rule from The Registry which has rescinded the need for a signed Stallion Certificate Of Service as of January 1, 2010. Emails were sent out (with embedded references) at the end of 2009. The Breeders response to three questions follow. These answers are unedited. The AMHA Registry also responded of their own volition. Those responses from the Registry have since been posted on the AMHA website

Breeders Speak

Compiled by Elizabeth Hobby

The email was sent by Elizabeth Hobby to a selection of Stallion Owners/Breeders/Agents December 2009:

As you are aware the Certificate Of Service has been rescinded (with the exception of a pending ruling on Frozen Semen) as of January 1, 2010. I would like to know if you would participate in an ad-hoc forum which has only a few questions:

- a) Were you as a stallion owner/agent ever asked your opinion?**
- b) Do you agree with the ruling, or believe it was necessary, and if not why not? You may also be in agreement and I would welcome that input also.**
- c) What action, if any would you like to see the Registry take?**

**Embedded in the email were the following excerpts from the AMHA Registry and the CMHA newsletter
An excerpt from the AMHA Website:**

In February 2009, the AMHA board voted to remove the Certificate of Service portion from the registration application effective January 1, 2010. In May of 2009, the board voted to remove the Frozen Semen Certificates. The decision to remove the Certificate of Service was upheld during the August 2009 Board meeting; however, the removal of Frozen Semen Certificates was tabled pending further education and research. All other requirements for registration, including the Stallion Service Report and Frozen Semen Certificates and rules, currently remain in effect. DNA analysis proves or disproves the parentage indicated on the registration application. Any additional purpose to be served by requiring a stallion owner's signature seems to be served by requiring either a Stallion Service Report or a Certificate of Service. It does not appear that both are necessary. AMHA has received some correspondence from concerned stallion owners. Some use the requirement for a stallion owner's signature as a means for collection of breeding fees. Others are concerned that semen can be used for multiple breedings without their knowledge. Current AMHA Registry Rules require a properly filed Stallion Service Report for every registration application. If a mare identified as the dam of a foal being registered is not listed on a report, a "red flag" is raised and the AMHA will contact the stallion owner for the additional information or a valid reason why the information is not being provided. Owners of foals produced from frozen semen must provide a properly signed Frozen Semen Certificate with the registration application. In the absence of this information, registration applications may be held up for a reasonable period of time to allow the parties to come to an agreement and provide AMHA with the required information or paperwork to permit registration. Of course, AMHA will abide by court orders related to any registration application.

From the CMHA Magazine:

In a letter from Nancy Kavanaugh (Office Administrator) of The Canadian Morgan Horse Association she states: "The Morgan Registry has gone from a certification based to a scientific based registry and that has necessitated the change. DNA testing has proven far superior to the Certificate of Service for insuring the integrity of the Registry and advancements in breeding technology have caused the Certificate of Service to become obsolete. We understand the Certificate Of Service has also been used by stallion owners as a way to collect payment of breeding fees, although this was not the purpose for which the certificate was created and CMHA advises all stallion owners to have breeding contracts."

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Daulette Bodnar Merriehill Farm, Inc

I am totally against them doing this. It is no different than not having the seller sign a transfer on the sale of a horse. This is signing the transfer on the sale of the semen. You do not sign the transfer on a horse if it is not paid why don't you have the right not to sign if the semen has not been paid for? My very strongly felt opinion!

Chris & Janet Morris Paradise Morgans

Absent the protection of the requirement of the stallion owner's signature on registration application, stallion owners will be faced with a number of difficult issues, which must change the way stallion owners do business and may in the following ways (because a stallion owner has no power to prevent registration in cases where payments are not made or are made late or unauthorized shipments of semen have been made) require:

1) Payment in full for breedings before semen is shipped. Time payments for breedings will become impractical, including payments on 'stands and nurses' and payments before foal is registered. Payment up front in full for breedings and related fees (collection, shipping) will be the only option available to ensure payment. Without a signature required from the stallion owner on the registration application, the stallion owner has no way to ensure compliance with any contract, and legal fees for default are prohibitively expensive. This alternative will make it impossible for many people to breed, or to breed to better stallions that previously had been available on time payments.

2) Concerns over whether or not and how to list horses on stallion service reports. Current stallion service reports, we understand, will be AMHA's de facto authorization for registration from the stallion owner. The stallion owner has no way to indicate that semen has been shipped and 1) payment was made, and therefore the stallion owner AGREES that the foal is registerable, or 2) was not made and therefore the foal should not be considered registerable. Therefore listing a horse on the stallion service report becomes something

that cannot be done until payment is made in full. Late fees are levied on stallion owners. Change fees are charged if a mare is not listed. So the stallion owner cannot, without punitive costs, leave a mare off the stallion service report for reasons of nonpayment and also because the report should list every mare serviced.

ALL other registries with which we are familiar (Thoroughbred, Saddlebred, Quarter Horse) require the stallion owner's assent to registration. Some regulatory function is a necessity for a registry. We feel it is unfair and inadequate to consider the stallion service report, as currently constituted, as tacit or official permission from the stallion owner to register resulting foals. The stallion owner has no option under which he can withhold permission for registration while still providing the factual information that semen was shipped. This is unfair to the stallion owner.

Our response to this change in rules will be to refuse to ship to about half of the people who contact us for breedings, because those people cannot or will not pay all fees before semen is first shipped. I have no doubt that other stallion owners will find themselves in the same position. In the past we have allowed people to breed on the agreement that all fees must be paid before registration. That option, and any others with the exception of payment in full, become impractical under this ruling.

We also strongly object to the stallion owner being forced by regulation to list all mares bred on a stallion service report by a date certain, now that the registry is equating a mare's presence on the stallion service report with the stallion owner's agreement that the foal may be registered.

If AMHA insists that all mares bred be listed by the stallion owner every year on a stallion service report by a date certain, then that list cannot be taken, fairly or logically, as the only permission from a stallion owner for the registration of any resulting foal without doing the stallion owner and the breed a disservice which will result in higher fees, refusal to offer payment terms, and significantly reduce the number of Morgan foals bred and registered.

Paradise Morgans will provide substantially less semen to mare owners under this rubric, unless and until some remedy is made for

the discrimination against the rights of the stallion owner in this new system.

Ann Hailey Copper Beech

Yes I was asked. Yes I completely agree with what they have done.

Debbie Beth Halachmy Wolf Creek

No, not I do not recall being asked my opinion I feel the signature of the stallion owner is important. It takes both a stallion and a mare to create the resulting foal...why would you leave out the signature of the stallion owner but allow the mare's. It is a two party contract so there should be two signatures.

They [The Registry] need to support both the mare and stallion owners, not just one party. A signature is a confirmation of a completed contract resulting in a registerable foal. This makes both parties accountable.

Jackie Sweeney Hylee Farms

I was never asked my opinion.

I don't agree with the ruling because I don't really know why it was rescinded. If I had been given a good reason it might be easier to accept or understand. I talked with Erica when I heard that they might be eliminating the Certificate of Service. I asked her to let me know what and why they were doing what they were doing and she said she would get back to me. She never did. I didn't see I would comment in general about the matter if it made sense. I would have commented about the matter if I had known why they were doing it. I personally would be against it as it is sometimes the only way you find out the mares you bred actually had a foal. Yes, you would hear about it if it was exceptional, from most folks, but not from all. If they were not happy with the foal they wouldn't call you, but they would tell everyone else how bad it was. It doesn't give a stallion owner contact with the mare owner after the mare foals. Sometimes it is good business to hear from the mare owner and they only way that happens is when they call to say they are sending the application in and want you to sign the stallion

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certificate. I think it is wrong to make changes to the registry without the breeders being involved in making a decision or having some input. Maybe they talked to some breeders, but not all. It is easy to contact those who you know will give you the answers you want to hear. I have never used it as a manner to collect stud fees, my contract takes care of that. If someone is doing time payments on a stud fee that should be contracted and signed also. If that contract includes withholding papers that is the legal issue there, not the certificate of service.

I think that the association should hold off on this rule until getting a poll from stallion owners as to what they feel - the people who actually are involved in this decision. I also think it has been kind of hush-hush and those kind of rules without publishing the whys and wherefores are not accepted very well. I think they need to rethink or explain why they did what they did. I have been registering Morgans long enough to know the history. Did they just need to make a new historical step? This sounds too much like Obama's Health Care Package.

Kathi Hummel Vantage Point

No, we were never consulted or asked for an opinion about this except as today, by you. My opinion is I am not in favor of the change. I do /have used the signing of the stallion certificate as away to collect fees owed by a mare owner reluctant to pay. I do not like having to rely on a contract and lawyers to enforce the contract. Without the signature of the Certificate of Service a stallion owner loses even more control. So count me in as not in favor.

Carol Fleck Partridge Hill Morgans

I don't believe I had a chance for input prior to, or as the decision to eliminate the Certificate of Service, took place, but I did attend the November 2009 Board meeting in VT, where a discussion regarding the removal of the certificate took place. I came away from that meeting with a clear understanding as to why the AMHA felt it necessary to eliminate the Certificate of Service for shipped semen. In a nutshell, they are in business to register foals, not to

reinforce breeding contracts. I totally understand and agree with them.

In this scientific world, DNA proves parentage. I have re-structured my breeding contract, and the AMHA has promised to "red flag" any mare(s) not listed on a stallion service report. If a mare is "red flagged," the Registry will contact the stallion owner and mare owner/lessee and necessary steps between parties (stallion owner and mare owner/lessee) will be taken to resolve any issues pertaining to foal registration. The Board members and the Registry are taking steps to bridge gaps by offering two seminars with focus on breeding contracts and the frozen semen certificate at the 2010 convention.

Carolyn Dillon Boston Morgan Farm

I think I should have been asked my opinion. You don't just take away something as important as this without asking as many people as possible to get involved. This is a small breed, and the breeders are vital to it. We've never asked the AMHA to step in as a Collection Agent, but in the past we have been able to use the need for the Stallion Owner's signature on the certificate as leverage, particularly if someone is being difficult with payments. It seems that leverage has now gone. It's also going to change the way we look at Breeding Contracts and what is required from the outset so that we know how to fill in the report given that will pretty much be it as far as what leverage a stallion owner has. It's just not that simple. And how is the AMHA going to address the fee structure if a stallion owner does not send in the name of a mare because they had no clue that mare was being bred without their knowledge - like if someone uses the same shipment and inseminates two mares. Who's going to pay those fees let alone worry about getting the stud fee paid because a mare owner is not completely honest and upfront?

Holly Buttermann

As you know there was an effort put forth prior to the December meeting in Vermont and I was in communication with Carol Fleck prior to her attending that meeting with the Nau's and in agreement with the outcome of that meeting. Though I do not

stand a stallion any longer, I do still hold frozen semen for Phantom so am interested to see what will transpire after the convention that is coming up and the information that is provided for all who are interested and concerned. Like Carol [Fleck] my response to your request is the same with the exception that I will not change any contracts as my intention is to use the frozen on my own mares ... so I would respectfully submit to you a CC of Carols reply and ask you to consider mine the same. Thanks

Sherry Bartolucci SLB Farms

I was never asked my opinion.

I don't think the issue is the Certificate of Service being rescinded. I think it is the lack of communication and understanding of the roles between the AMHA and the stallion owners and breeders.

I understand the Registry's purpose to ensure the purity of the breed and the parentage of the offspring. It has the system to do that between the DNA testing and the comparison of the two completed applications. As long as AMHA does check the Stallion Reports to the Registration applications and notifies the stallion owners if there are different mares noted, the system ought to work for the Registry.

As a stallion owner my purpose is to be sure:

. I can approve of the mares being bred to my stallion (that is my standard process) so that I can have a positive effect on his get/reputation,

. be informed if there is a different mare than what we (the breeder and I) agreed to by contract, and

. be able to collect the fees.

The Certificate of Service was very helpful in collecting breeding fees for I would not sign it without the total fees being paid. I realize I need to utilize a personal contract with the mare owner for that will help me know that the mare to which my stallion is to bred is the mare that is actually bred and if not I would expect the mare owner would contact me and discuss the substitute mare. Also, a contract would allow me to take legal action if the fees are not paid and/or the stallion is bred to another mare. Still a key information source would be AMHA with the Stallion Report feedback.

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In reality what is going to be the result of the Registry's decisions is that the stallion owners will have to be a lot more proactive and ask for all the fees up front. That could be problematic for the mare owners since most would expect to send a downpayment, then after the mare is in foal send the remaining fees. I would guess that there will be more major arguments and suits between the parties.

Perhaps we can discuss what the Registry, stallion owners, and breeders are trying to do and how we can help each other. It would be great to be able to count on the Registry to give us feedback a.s.a.p. on issues noted between the Stallion Report and Registration applications. As stallion owners, perhaps we ought to create a standard contract that everyone can use and a method to handle non-payment and/or non-approved mare substitution issues...i.e. identify and publish annually the non-paying mare owners and/or non-communicating mare substituters.

John Hufferd Triumph Stables

No I was not contacted by anyone concerning this issue. I was informed by my bookkeeper (who is also a Morgan horse owner) and I learned of this in April or May of 2009. I talked to as many people as I knew were involved in this decision and I got nowhere. In fact, I could not even get a reasonable explanation. I did speak with a director that is on this [sub] committee at the Mid Atlantic Sale in December. I didn't like his explanation but I respect this person. He also stands stallions so I am trying to have an open mind.

No, I don't agree with this ruling and I am having a hard time explaining it to my owner who purchased a very expensive stallion and who is a novice to this breed. This may be necessary, but I need more time to figure out how to deal with mare owners that split shipments and breed multiple mares in one shipment. And/or mare owners that flush multiple embryos on one shipment. Both of these things have happened to us prior to the 2010 foaling season and are on our stallion service report because we had no knowledge on this potential ruling. Some people have been honest and paid us. But I am concerned that

some may think they can get away without paying now that the rule is in place.

I would like for them to postpone this ruling so we can discuss how we can deal with the problems this will bring to the stallion owners issues the registry have not yet told us how we are going to get around. I think we have to figure out a lot of this ourselves and I can understand that the way we are currently doing things may need to change. But I think a slow methodical way would probably be a better solution

Carol Hudson Trebles Morgan Manor

I was not asked my opinion which bothered me since I have always felt grateful that the Registry would stand behind me as a stallion owner and a breeder of mares and has been there for me for nearly three decades.

I don't believe taking away the need for a stallion owner signature on the "old" Certificate Of Service is going to make less work for the Registry. I really don't understand why they are even doing this. That signature allowed stallion owners some leverage. It also made it more comfortable for us, as stallion owners, to make payment arrangements with mare owners so that perhaps they could breed to a nicer stallion. It has always been a two way street, we all worked together with integrity. As a mare owner it was also a huge advantage to know that stallion owners would work with me. I worry that there'll now be some people who'll try and take advantage of this and have no intention of paying the stallion owner - or only partially paying - and now believe the Registry will be registering the foal anyway! It puts me in a tough position because it is going to make me a lot more cautious about shipping semen on my stallion without pre-payment of fees. As a stallion owner over all these decades, I've never expected the Registry to be a Collection Agent for me, but the need for my "sign-off" in the Certificate Of Service certainly gave me some comfort that people who lacked integrity would not get away with that. I do understand that with the Stallion Report that I have to fill out, the Registry's job is still significant. But what happens if a resultant foal not on that report turns up three years later because the mare owner didn't let a stallion owner know that

the mare really did get in foal!? That just happened to me and Tyler took care of it and I got the stallion fee. But now the Registry is talking about a "reasonable period of time" to address an issue like that. What does that mean and where does it leave me? Perhaps they are going to need to re-look at the entire Stallion Report and allow for more information rather than just a list of "mares shipped to and dates." This doesn't appear to me to be making less work for the Registry. And who would be responsible for late fees?

I really wish I'd been given time to think about all of this and at the very least approached about it. Trebles has been in business for over 30 years and I really would have liked to have been asked my input. Well. I guess this is going to be a wild ride so we'd best hang on! If only the AMHA Registry had been more organized in its thought process and recognized that its membership, particularly its breeders, deserved to be contacted before making a change like this.

Gary Rohrs Rohrs Ranch

Owner of Minion Millennium, MLJ Rochelor, Aljaks Miss Wham I Am, and Perfect Cut

I received your email regarding the changes in the registration process which allow for the registration of foals without the stallion owner's approval (Certificate of Service) so I wanted to comment. Our trainer, John Hufferd of Triumph Stables, kept me up to date last year with his discussions with the then registrar voicing our concerns regarding the change that had already been announced. Both of us believed that the change would be detrimental to stallion owners and their ability to effectively manage the breeding process, especially with respect to past breedings. I'm sure that John has or can fill you in on the details of his discussions with them.

From my standpoint I was shocked that such a change would be dictated without soliciting input in a proper and well organized forum. Such forum would not only include the stallion owners (who will be affected the most) but from others in the industry. To me the AMHA owes it to the industry to only implement significant changes once they have been fully discussed

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in an open forum and once they have the acceptance of the industry participants most affected. For me, any change that affects the integrity of the registration process and the income potential of the stallion servicing element of the industry is significant, which this change does. My expectation of a registry that deals with animals of such substantial value is that the registry should serve as a resource for protecting the validity of the entire breeding process, including validation of the owner having cleared their legal obligations with respect to the foal, which would require consent from the stallion owner. Such consent on its face would acknowledge that all commitments and obligations have been released. If the AMHA is only going to keep track of the "breed" of the animal, then there would be no distinction from other organizations that operate that way, such as the American Kennel Association. By operating in such a fashion, the importance of the AMHA to the industry and the process would be diminished. It also seems to me that if the AMHA is simply a "breeding" registry, then the methods for funding the organization need to be re-evaluated to make sure that the cost of the registry are born by the broadest segment of the Morgan horse world as possible.

What I find difficult to understand is the reasoning behind the change. If the change is expected to reduce the workload of the registrar, then I would question whether such reasoning is valid, not only because it ignores the importance of protecting the stature of the registration process as mentioned above, but also because of the alternatives that are available. I am relatively new to the Morgan horse world but it would seem to me that the reduced workload could have been accomplished more effectively and balanced the issues of the stallion owner and the AMHA. A process that shifts the obligation to obtain the consent of the stallion owner to the person requesting the registration would accomplish this. The consent could be sent directly to the AMHA by the stallion owner to be matched with the application. It is my understanding that other horse breeds use this type of process without issue. It certainly seems to be much simpler and save more time and effort than the stallion owner

withholding a mare's name from the Stallion Report and then filing an amended Stallion Reports once all commitments or issues have been cleared. Given the new process, withholding the mare's name is the stallion owner's only defense against registration of horses that do not have "clean" title (by "clean" I simply mean that all of their commitments to the stallion owner have been fulfilled whether economic or otherwise). It seems to me to be pretty self evident that when you are dealing with breeding animals around the entire country, which we do with Millennium, managing the breeding process and the proper handling of the details are quite challenging already. With this change and our resulting fear of having to sue in some distant state to recover, there is the potential to restrict our ability to reach such a broad market of Morgan mare owners as we would not have the flexibility to craft breeding arrangements that fit a particular situation. Every breeding arrangement is not always a simple cash for semen arrangement. Some breeding arrangements can include future obligations or exchanges. Fostering flexibility in the structure of breeding arrangements allows the stallion owner to serve the broadest population of Morgan mare owners by accommodating the particular needs of a mare owner.

What disturbs me even more is the manner of implementation. With the rule being implemented for "any" registration application after December 31, 2009, the stallion owner is helpless in stopping registrations from past breedings where all commitments from the breeding arrangement have not been cleared and the mare has already been listed on prior years' Stallion Reports. The stallion owners have relied on the prior process to assure them that a foal could not be registered until all related commitments have been fulfilled. With the stallion owners having no opportunity to block such registrations, this change amounts to a retroactive implementation. The stallion owner is powerless to prevent improper registrations from prior breedings and the related horse from showing. The stallion owner's only defense is legal action that, at least for stallions such as Millennium, would likely have to be pursued out of state. Such

legal actions will be very expensive, time consuming and difficult to pursue. With that, we are left with a situation where industry participants are reduced to suing each other due to a flawed implementation of a misguided process. It is my view that such legal actions will tarnish the industry as we resort to unnecessarily suing each other over something that could very easily be resolved through an appropriate and simple process managed by the AMHA. It is my understanding that one of the main purposes of the AMHA is to promote the integrity of the industry, yet the process that has been put in place by the AMHA allows for owners of horses without a "clean" registration to benefit by showing or selling such horses as fully registered Morgans while the stallion owners suffer the loss. No matter what, the result is bad for the stallion owner, the mare owner and the industry.

Also, in your email you mentioned that Morgan Connection does not intend to cause conflict in the industry by pursuing this issue. My position would be that the conflict already exists as a result of the rule change and what amounts to a damaging retroactive implementation and, therefore, any actions on your part would not be initiating that conflict but would be attempting to find a resolution. I want to applaud you for doing so and encourage you to continue to pursue this issue to protect the industry and the relationships that are at risk of being damaged. Hopefully, your efforts will initiate a change that is more consistent with what Morgan owners expect from the AMHA in the fulfillment of its purpose.

Sherry Cole

I was aware of the discussion of the change. It has been discussed for several years. Perhaps Nancy Kavanaugh's [sic: she is a long time Morgan horse owner, ex director of CMHA, former editor of the Canadian magazine. She has Julie Broadway's position in Canada] synopsis is the the best explanation for the need for this change. I don't believe that a court of law would deny registration of a DNA proven foal based on lack of a signature. Since it is our policy of required signature that would be the issue, we would be the party involved in any legal wrangling. I don't believe that this is a cost that we should or could endure, especially

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since we believe we would have little chance of success.

The Registry Committee, and in turn the AMHA Board of Directors, devoted a great deal of time, research, and discussion before arriving at the decision to change the policy. I believe the Board should continue with the new policy.

Heidi E. Kunkel **HK Morgans**

Some time ago I was approached via email to give my input on a potential rule. I think they [The Registry] were approaching a few stallion owners for some kind of ad-hoc endorsement. I wasn't approached again.

At the time, I did not agree with the idea about letting go of the Certificate Of Service and in fact I fought the suggestion. I'd had some difficult issues over the years which may not have been resolved satisfactorily without the requirement of my signature on that final certificate and my mind went back to that. I'd had arguments over the years with the registry because sometimes I'd interchange fresh cooled and frozen semen, but that often came down to the fact my stallions were also show horses.

So, I started to re-look at my original contract, make sure it was more specific. The final Certificate Of Service was a final check.

If the Registry is going to enforce this, with or without the overall approval of Morgan stallion owners, then I suppose we have no choice other than to require all fees are paid up front and in full. Even if this is not popular with mare owners it is the smart thing to do. In the meantime the Registry should keep all the old rules prior to this new one of 1/1/2010 in place otherwise some people may think that they can slide a foal into being registered even though they never paid the fee, or only partially paid it, or got multiple foals or whatever. This is not a good thing.

Karen Shields

Owner of Hollybrook Stage Rage

No - we were never asked nor was I aware of any forum provided for discussion. I guess there could have been one - but if there was it was certainly not well known. Standing a stallion is not easy or cheap when attempting to do right by the mare owner.

For that effort we want to assure payment and appropriate registration. I can think of several possible "loopholes" in the system even if one changes one's breeding contracts to close some of the gaps. There are many types of breeders - large, small, family, etc. and if I could think of issues in our situation I would bet others coming from a different perspective could think of issues as well that would benefit from being discussed.

I wish the Registry had publicized and held public forums requesting input and discussion. With today's technology that could be a combination of a WEBINAR reviewing the proposal and inviting comment and opportunities for written/ e-mailed input as well as face to face meetings, perhaps in OKC and at the convention. Also, the Registry could have helped stallion owners by providing several possible contract templates that would make sense in the new business world without the signature as a way of maintaining some control.

The horse may have left the barn for the first suggestion, but the second suggestion would still be very viable.

Ivan Beattie **East Of Equinox**

I have known that this change was coming from AMHA and I understand the reasoning. With mandatory DNA analysis, the Certificate of Service is no longer the governing method of parental proof. The primary function of AMHA is to maintain and protect the integrity of the registry. With DNA confirmation of parentage, AMHA would have shaky grounds for denying any registration application regardless of outstanding issues between the mare and stallion owners. Historically Stallion owners have used the Certificate of Service as a "hammer" for collecting unpaid breeding fees. While it has been an effective tool for stallion owners, AMHA shouldn't be put in the position of being used as a collection vehicle for transactions of parties beyond their control.

I have been fortunate over the years and have found that Morgan people are responsible and upstanding individuals. Collection problems on unpaid bills have been rare. I have used the Stallion Certificate of Service on these rare

occasions for collection in the past, and this change will make it more difficult in these situations in the future. Our breeding contracts up to this point have had a payment structure based on certain positive results, including a final payment after the birth of the foal. Because of this decision by AMHA we will most likely change our contracts to require all stud fee payments in advance.

The main reason for us to be changing our breeding contracts is not because of the loss of the "hammer" for collection, but rather because we will no longer be seeing registration applications and will have no easily administered method for monitoring the birth of foals and applications to register those foals. Therefore it would be difficult to administer a contract that calls for final payment after the birth of the foal.

Rick Lane **Cabot**

I believe I may have gotten an email about a suggested change, but it was a long time ago and I don't recall any follow up.

I really don't understand why the Registry thought the system was broken or needed changing. The contract between a stallion owner and a mare owner is between those two individuals and I have certainly never expected the Registry to be a collection agent or necessarily get into the middle of it. But, the stallion report and the final Certificate Of Service provided a check and balance that everyone was aware of - including the Registry. Breeders have to be flexible but I think this new rule is going to take some of that flexibility off the table. The Registry should be working hand in hand with breeders - that's a reason they have been able to impose fees and late fees, and they do! It seems to me that if they are hoping to reduce their workload and add that to the breeder's burden then at the very least they need to review their fee structure and probably their stallion report.

I think the Registry should listen to its membership/breeders. Give everyone time to think about this and work together. It's time to go back to the drawing board, get everyone involved and on the same page and then go from there in strength.

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Sammi Hazen Playmor Farm

NO I was never made aware that this was under consideration. I don't remember hearing about this at a rules forum or reading about it in any publication. The first time I heard anything about this was at the 2009 Grand Nationals. When I asked a few board members about it I was told that it had already been voted on and was going into effect on January 1, 2010.

When I asked how they felt they could do this to Stallion owners the response was that it wasn't done to us but rather AMHA could no longer be the "Registry Police", and this was how they felt they could fix it. I later learned that this was not about being the police, it had to do with matters pertaining to the fact that with DNA in place there are legal proceedings that make this change a must. However, this was not explained to me in the beginning. If that had happened I think I would not have reacted to this change with anger, but rather with a desire to help find a more complete solution.

Although I understand the need to make a change to this rule, I do wish that AMHA had had enough faith in the membership of this organization to allow us to be involved in this matter. I do believe that we could have come up with something that would make the stallion owners much happier.

I would like to have a publicized explanation of the real reason this rule was changed. It looks to me that they are hiding something. Then I would like to see the registry committee put a continuance on this rule change until the 2010 convention and to hold an open meeting with the membership to see if we can come up with a better, more complete solution.

Holly Linden Clayhill Farm

No I was not asked my opinion. I believe AMHA should have put a poll together of stallion owners to get input before making this kind of decision.

I totally disagree with this change. I think it could lead to an "out of control situation." For example, just suppose I decided to give away a youngster without

papers because I did not feel it exemplified the program I am creating. From what I'm seeing that now means that the person I donated the horse to could now register that foal. I may have submitted the name on my Report but I would not be willing to give a final sign off on the Certificate Of Service. But the person I donated that youngster to could now register because of DNA? Surely the AMHA Registry should stand for more than just DNA? We all know that DNA is exact in identifying the Sire and the Dam. In the past however the Registry has acted as a third party in these transactions so that the stallion owner, Veterinarian, Caretaker and all receive their costs and fees before registration. What's going to happen to all those people who make up the total transaction if a mare owner won't pay their fee? What if the agreement calls for the foal to be gelded and the foal owner does not comply because now they don't need to? What if more than one mare is bred from one shipped semen? Will the AMHA check to make sure the mares are listed? And since a stallion owner may not be aware of that, is the stallion owner going to pay all the penalties and fees for not submitting a correct report?

By using the COS as it has always been we avoid attorney fee and law suits because we've never expected the AMHA to do that for us. This is not just about science, for goodness sake. It's about everyone working together. What? Does the AMHA want to ultimately destroy a Registry and the whole show horse aspect because they want less work and effort and hide behind science?

This has to be stopped or reversed. I would like to see them delay the removal of the COS until the membership (and the breeders) has been given chance to have an input and vote on the issue. A whole industry could be effected at a time when it is hard enough to be in the breeding business. What was this group (not sure who made these decisions) thinking?

Sally Longenecker Saralin

No I don't recall being asked before the rule was made but I do remember a while back that a proposal was up for discussion

and that "they" indicated that we would all get input. I don't believe that happened.

I have a kind of 60/40 feeling on it all. I think that a stallion owner is responsible for keeping in touch with the resulting experience/offspring of sending semen. But, the Registry requiring my final signature also encourages me to keep in touch with that mare owner and keep a dialogue open. It's like a check and balance system. And, from my experience 95% of people want that channel of communication. But then there is that percentage that doesn't think that purely. Requiring that Certificate Of Service signature maybe made them pause for thought before taking advantage of just proof of parentage through DNA. I've always tried to work with mare owners and work within an agreement and can boast a near perfect record on it. Everyone got the Rules Of The Game. But then there are those that don't and just wait for an opportunity to change those rules. They make it about themselves. My fear is that this rule change is going to allow those people to do just that and get away with it. We don't need to make it more difficult for people to breed a mare, but this rule change is a game-changer for anyone standing a stallion. I'm surprised the Registry did not think all of this through.

I think it is always a good idea for any association to get as much member input as practically possible before making a rule change. As I stated before I do remember reading about a proposed change somewhere. I called the registry about it at that time and they indicated it was just in the preliminary discussion stage and a long way off. I think everyone should have an understanding of the rules of the game before one starts to play. These days those rules need to be written down so that there are no gray areas

Arthur Derry Intrepid

No! I was never asked my opinion about the elimination of the stallion owners signature on the Certificate of Service. Could that be a reflection the fact that I have not stood a stallion for some time at Intrepid? I don't believe so.

As a Life member of the American

Breeders Speak

These answers to the questions asked are unedited

Morgan Horse Association, I believe that I should have been given an opportunity to be part of any Registration rule changes that would affect my participation in the breeding of mares to any stallion that I may offer for breeding to mare owners. To have made a rule that leaves me out of the process of registering resulting foals as a result of breeding to my registered, qualified stallion is, in my mind, undue process.

When considering registry changes in the future the registry should not only consider the aspects of legal laws but should also consider the laws of human involvement that allows input toward those changes. To leave any faction out of due process is wrong. Involving all input will make a stronger, united registry.

John Scheidt Stonecroft

I was never asked my opinion as a breeder about the rule change

I absolutely do not agree with this new rule - in fact I'm totally against it. I feel the AMHA should have taken a broader look at the outcome of this decision. Perhaps a larger committee that included more actual people that own and stand stallions? I called the AMHA and spoke with Erica [Richardson] about some specific questions about the rule change. She did not have answers. I am in no way blaming Erica or pointing fingers at any one person but I don't think a rule should be changed without your organization being able to answer direct questions. This leads me to believe that a change was made in an irresponsible manner. One simple question I asked was: what happens when a mare owner books her mare to your stallion and has you ship fresh cooled semen. Without your knowledge the mare owner has decided to flush the mare for an embryo. Not that much of a problem, until you find out a year later that the mare owner actually flushed twins and both embryos were put in separate recipient mares. Two live foals were produced. How does the stallion owner collect a second stud fee? Should AMHA just register both foals without the stallion owner realizing what happened since the mare appeared on the stallion service report? Now, as a stallion owner, I feel I have to make my service contract so technical and almost offensive I

wonder how encouraging it will be for anyone to want to breed their mare? Do I need to state in my contract that the mare owner agrees not to even attempt to register the foal until ALL fees are paid in full to my satisfaction? What if they attempt to anyway? Will AMHA stand behind my contract or the person trying to register a foal? Do I then include the AMHA in a lawsuit if it comes to that? There are way too many variables that don't seem to have been addressed. In this day and age, when the horse industry as a whole is in crisis, why would AMHA as a Registry based organization, possibly want to discourage people to breed their mares or stand their stallions.

Steve Debolt Kohler

As breeding manager for the Kohler program I was never asked for my opinion on the change in the ruling and would be curious to know how many people that stand stallions to the public were consulted.

No I do not agree with this rule change. Having to rework breeding contracts to cover the change can be costly (when my office called AMHA for a written explanation of the change for my attorney we were told that it didn't exist) How can you change a ruling and not have it written down? It was a little scary to me. The multiple mare breeding from a shipment is most concerning to me as well as substitution of mares - which can hurt a stallion's reputation. When managing a stallion here at Kohler we like to approve the mares being bred to the stallion. With a relatively large herd that we represent and with most of the current show horse bloodlines we also have a pretty good idea of what works and what doesn't. In today's economic climate quality should be THE emphasis, not quantity. And recently, Kohler has been even more careful and selective in its program, because after all that program represents OUR brand. In response to the Canadian person saying they should not be a policing agent I would say the flip side is more correct. As a stallion owner I can use that signature to allow me to "police" myself to make sure everything is done fairly.

I do hope, as we have been told, that the tabling of the decision on Frozen Semen

until February 2010 at the AMHA Convention means that they will also review this decision. Breeding season is here and we have had no time to make adjustments. So how can the Registry even think they have the breeder's backing? If they do think that, then I don't think they know the breeders. This is a small, pristine and historic breed and the breeders have to have their say. It cannot just come down to science! Whatever happened to the old fashioned hand-shake and knowing that the integrity of your program was intact? This could change everything.

Stacy Hennessy Gerry Rushton Stables

I am probably not in favor of the newest change to make the stallion owner signature on a Certificate Of Service unnecessary to get a foal registered. At first I was wholeheartedly against the change, but as I looked at it more I realized that we have no less power (as stallion owners/agents) but we ARE now relying on the Stallion Service Report and the "system" working totally. But, we've lost one more checkpoint that mare owners must pass thru. That checkpoint (the final Certificate Of Service) made us all feel a bit safer.

The obvious concern is that we all used withholding the stallion owner/agent sig. until all fees were paid and to insure that only one breeding was acquired from semen we shipped out as our "insurance". I believe that AHMA's concern with that is that they can't back that perceived threat and therefore we were living in a false sense of security. I can say, for myself, I never believed that when push-came-to-shove that they WOULD back that threat...I never asked their permission and therefore never had their promise that they'd back me. Therefore AMHA had no responsibility or culpability in it since I "used them" without permission.

However, I did believe that I could slow down the process, or make it much more difficult, and that was usually enough to get any final payment needed. I've had more than one balance carried until the people wanted to register a foal and then it magically got paid when they needed my signature on those papers. So, I've just lost the ability to use that as a threat, empty or not.

Breeders Speak

These answers to the questions asked are unedited

I will still have the stallion report and I would guess that the next step would be to require any mare owner to be paid up in full by the time the stallion report is due in order to put that mare on the report. But, now I am relying on the registry to be VERY sure that each and every registration applied for is on that original stallion report, even if I'm unaware of what has happened meantime. Otherwise, I risk people getting multiple babies registered from one breeding they bought, or not paying their balance on the breeding they bought.

I don't know the process through which a foal registration application goes before it becomes final, but checking each and every one against the stallion reports is going to become vital to keeping stallion owners protected. From them having absolutely no repercussions of being totally taken advantage of. It all sounds like even more work for the Registry as well.

Occasionally it was a pain to get the stallion owner's signature and I've had to play the mailing game when the stud was sold. So you had to mail something to someone and then it gets mailed to someone else and yes, it is a pain, but it was a part of a process that worked and I accepted it as that. Completely aside from these serious concerns, as a stallion agent I took note of the name of each foal so I would be able to keep track of it through its career with little to no effort other than remembering the names. Without knowing what people name the babies, (which often appeared raf on the final paperwork) it will take time and effort to track down the foals and that is likely to be too low on the "to do" list.

THE AMHA REGISTRY

Erica Richards - Registrar

• If a registration is submitted where DNA can prove parentage, AMHA is legally obligated to register it as purebred Morgan. This is a matter of fact in the age of DNA verification. AMHA must register this foal whether the stallion owner has signed off or not. This same reasoning prevailed in the lifting of the high white rule. AMHA is legally obligated to register foals of two purebred parents as purebred, regardless of its markings.

• AMHA registers Morgans. It does not mediate contractual disputes and never has;

AMHA is not involved in the collection of stud fees or in the area of sales contracts. Contractual disputes are civil matters and have to be settled privately or in court.

• Stallion owners and managers should protect their interests with enforceable contracts. This has always been true and is their only effective recourse in disputed matters.

• The signature on the Certificate of Service has never been an enforceable payment collection technique, just as a signature on a Stallion Service Report cannot be held back as a collection tool.

• Unlike on-site breeding, a stallion owner is unable to verify whether or not shipped semen from his or her stallion was used on a particular mare - another example of the redundancy of the Certificate of Service.

• In the event that frozen semen is used to inseminate a registered mare and the owner of the frozen semen and the owner of the stallion are not the same person(s), the owner of the frozen semen at the time of insemination is required to file the Stallion Service Report.

• Foals resulting from transported frozen semen must have a Frozen Semen Certificate issued by the stallion owner to register the foal.

• A Stallion Service Report must be filed prior to midnight, January 15 of the following year by the recorded owner or recorded lessee of a registered stallion (at the time of the breeding) to whom mares were exposed to or whose semen was used to inseminate a registered mare anytime during the preceding 12 consecutive months.

• If a mare identified as the dam of a foal is not listed on the sire's Stallion Service Report, AMHA will contact the stallion owner for the additional information or a valid reason why the information is not being provided.

• In the absence of a Stallion Service Report or Frozen Semen Certificate, registration applications may be held for up to 120 days, to allow the parties to come to an agreement and provide AMHA with the required information or paperwork to permit registration. AMHA will notify the stallion and mare owner of the information required to complete a pending registration, and it is the stallion owner's responsibility to

acknowledge receipt of this information and alert AMHA time is necessary to resolve outstanding issues regarding this registration.

• AMHA will abide by court orders related to any registration application.

• Current rules apply at the time of application for registration.

The Registry Staff is available to assist in understanding the processes involved in the registration of a Morgan horse.

REGISTRY NEWS FLASH 1/18/10

On January 18, 2010, upon recommendation from the AMHA Registry Committee, the following motion was passed by the AMHA Board and goes into effect immediately. This is an addendum to the February 2009 motion removing the Certificate of Service requirement from the registration application effective January 1, 2010.

Certificate of Service Grandfather Clause

All foals born in 2009 and prior will require the stallion owner's signature in the Certificate of Service section of the AMHA Registration Application until January 1, 2011. **After January 1, 2011, no registration application will require a stallion owner's signature.**

Elimination of Certificate of Service with the addition of the grandfather clause means that for those foals:

• born in 2009 and before: stallion owner signatures are required on registration applications through 2010.

• born in 2010 and thereafter: stallion owner signatures will not be required on registration applications.

• born in any year but registered after January 1, 2011: stallion owner signatures will not be required on registration applications.

The committee understood that stallion owners who had bred mares in 2008 and earlier had filed their Stallion Service Report believing that the Certificate of Service was in place to help resolve any issues that might have occurred after filing the Stallion Service Report. They felt it was important to give those stallion owners an additional year to resolve any outstanding financial issues with respect to these contracted breedings. □