Jared S. Goodman Counsel (202) 540-2204 JaredG@petaf.org

September 6, 2011

# VIA FIRST CLASS MAIL AND E-MAIL (sshellenberger@baltimorecountymd.gov)

The Honorable Scott D. Shellenberger Baltimore County State's Attorney County Courts Building 401 Bosley Ave, Room 511 Towson, MD 21204

Dear Mr. Shellenberger:

I a m w riting on be half of P ETA t o r espectfully r equest t hat you pur sue felony and misdemeanor cruelty to animals charges against those responsible for c ruelly and fatally injuring a two-year-old female hor se (a "filly") by forcing her to sprint for potential buyers despite dangerous track conditions, resulting in her catastrophic breakdown and subsequent euthanasia. *See* MD. CODE ANN., CRIM. LAW §§ 10-604, 10-620.

As de tailed fully in the e nclosed letter, on M ay 19, 2011, du ring F asig-Tipton's a nnual M idlantic "under tack" sale at the T imonium Racetrack at the M aryland S tate Fairgrounds, a filly known as H ip #396 suffered a compound fracture of her front right cannon bone when she was required to conduct a speed trial despite muddy and treacherous track conditions. Links to footage of this breakdown, which was described by one industry expert as "the worst [he's] ever seen," are included in the attached letter, and a DVD is enclosed with the original.

Given the wealth of evidence establishing that driving young horses to run at these ex cessive s peeds puts them at r isk of catastrophic br eakdowns, that poor t rack c onditions f urther c ompound t hese r isks, and t hat t he c ulpable parties he re failed to take any precautions to ensure Hip #396's safety, we believe the evidence provided is sufficient to trigger a criminal investigation and charges against them for causing her to be overdriven and in needless pain and suffering as a result of her fatal injury.

Please advise me that your office is taking action prosecute these violations of Maryland's cruelty to animals law.





## PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS FOUNDATION

1536 16TH STREET NW WASHINGTON, DC 20036 TEL 202-483-PETA FAX 202-540-2208 E-MAIL info@fsap.org

PETA FOUNDATION IS AN OPERATING NAME OF THE FOUNDATION TO SUPPORT ANIMAL PROTECTION

Yery truly yours, m Jared S. Goodman Enclosures

Jared S. Goodman Counsel (202) 540-2204 JaredG@petaf.org

September 6, 2011

# VIA FIRST CLASS MAIL AND E-MAIL (sshellenberger@baltimorecountymd.gov)

The Honorable Scott D. Shellenberger Baltimore County State's Attorney County Courts Building 401 Bosley Ave, Room 511 Towson, MD 21204

Dear Mr. Shellenberger:

I am writing on behalf of PETA to respectfully request that you pursue felony and misdemeanor cruelty to animals charges pursuant to Maryland law, MD. CODE, CRIM. LAW §§ 10-604, 10-620, against those responsible for cruelly and fatally injuring a two-year-old filly by forcing her to conduct a speed trial despite dangerous track conditions, resulting in her catastrophic breakdown from a complete compound fracture of her cannon bone.

On May 19, 2011, on the Timonium Racetrack at the Maryland State Fairgrounds, located at 2200 York Road, Timonium, MD, Fasig-Tipton held its annual Midlantic "under tack" sale, in which two-year-old horses in training are pushed to sprint at speeds faster than they will ever run in their future racing careers. During a timed sprint at this event on a muddy surface described by one industry expert as "awful mud and rain and a dangerous track," a filly (Hip #396) suffered a compound fracture and was subsequently euthanized. *See* FASIG-TIPTON, MIDLANTIC TWO-YEAR-OLDS IN TRAINING 396 (2011) (catalog entry for Hip #396, attached as Exhibit 1). In video and audio of the breakdown at full speed and in slow motion (also included on a DVD enclosed with the original of this letter), Hip #396 is seen sprinting for several strides before suffering a complete compound fracture of her right front cannon bone.

The sound of the bone snapping is heard immediately before the jockey falls off. Due to her speed, Hip #396 continues running for several strides, landing on the exposed bone with subsequent steps. In slow motion, bone fragments can be seen splintering from the leg as the horse puts weight on the exposed bone. In watching the video, well-respected equine veterinarian Dr. Sheila Lyons estimated that by the end of the film, as much as  $\frac{2}{3}$  of the cannon bone had been broken off.





## PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS FOUNDATION

1536 16TH STREET NW WASHINGTON, DC 20036 TEL 202-483-PETA FAX 202-540-2208 E-MAIL info@fsap.org

PETA FOUNDATION IS AN OPERATING NAME OF THE FOUNDATION TO SUPPORT ANIMAL PROTECTION that the breakdown was "the worst [he's] ever seen" and described the sound of Hip #396's cannon bone snapping as "like a rifle shot."

Under Maryland's felony cruelty to animals law, a person may not "willfully start, instigate, engage in, or further an act that . . . injures [or] destroys" or "commit an act that tends to . . . injure [or] destroy . . . a horse used for racing or breeding or for a competitive exhibition of skill, breed, or stamina," MD. CODE, CRIM. LAW § 10-620(a), whether the horse is owned by that person or another, 2002 Md. Laws Ch. 26. "Willful" in the Maryland criminal laws "has been defined . . . to mean 'purposeful conduct, *requiring neither a bad motive nor knowing unlawfulness*." See Chen v. State, 784 A.2d 641, 651 (Md. Ct. App. 2001) aff'd, 803 A.2d 518 (Md. 2002) (emphasis added). A person found guilty of violating this section is subject to imprisonment of between one and three years. MD. CODE, CRIM. LAW § 10-620(b).

The misdemeanor cruelty to animals law further provides that a person may not "overdrive . . . an animal," "inflict unnecessary suffering or pain on an animal," or "cause, procure, or authorize an act prohibited under [those provisions.]" *Id.* § 10-604(a). As used in these sections, "person" includes an "individual, sole proprietorship, partnership, firm, association, corporation, or other entity," *id.* § 1-101, and "animal" is broadly defined as "a living creature except a human being," *id.* § 10-601. Violation of this section is punishable by up to 90 days imprisonment, a \$1,000 fine, or both. *Id.* § 10-604(b).

It is noteworthy that a New York appeals court reversed the suspension of a harness racehorse driver for failing to drive his horse to the finish, stating that continuing to whip the horse as urged by the State Racing and Wagering Board "might make the cliché 'to beat a dead horse' too realistic" and constitute a violation of the state anti-cruelty law's prohibition on overdriving. *Ricco v Corbisiero*, 565 N.Y.S.2d 82 (N.Y. App. Div. 1991).

We believe forcing each young horse to sprint despite dangerous track conditions during the May 19, 2011, under tack show constitutes a violation of Maryland's prohibition on overdriving. However, we request only that you pursue a criminal investigation and indictment against the following persons responsible for Hip #396's fatal injury:

- Paget H. Bennett, Midlantic Sales Director, Fasig-Tipton, pbennett@fasigtipton.com. Upon information and belief, as a senior employee of Fasig-Tipton and director of sales at the May 2011 auction at Timonium, Bennett was present at the May 19, 2011, under tack show, aware of the dangerous track conditions, and nonetheless permitted the speed trials to continue. Bennett may therefore be charged with a felony violation of § 10-620(a) for willfully starting or furthering an act that injured and destroyed Hip #396, as well as a misdemeanor violation of § 10-604(a) for causing, procuring, or authorizing Hip #396 to be overdriven and inflicted with unnecessary suffering and pain.
- Scott A. Bergsrud, President, SAB Sales, 4651 SE 212<sup>th</sup> Ct., Morriston, FL 32668; 352-207-3976 (phone); sabtraining@aol.com. Upon information and belief, as the owner's agent for Hip #396, Bergsrud was present at the May 19, 2011, under tack show and took no action to stop Hip #396 from sprinting despite life-threatening track conditions. Bergsrud may therefore be charged with a felony violation of § 10-620(a) for willfully

furthering an act that injured and destroyed Hip #396, as well as a misdemeanor violation of § 10-604(a) for causing, procuring, or authorizing Hip #396 to be overdriven and inflicted with unnecessary suffering and pain.

- **Boyd T. Browning, Jr., President and Chief Executive Officer, Fasig-Tipton**, bbrowning@fasigtipton.com. As the principal for Fasig-Tipton, if present at the May 19, 2011, under tack show, otherwise aware of the life-threatening track conditions prior to Hip #396's injury, and the company has no policy against racing under such conditions, Browning may be charged with a felony violation of § 10-620(a) for willfully furthering an act that injured and destroyed Hip #396, as well as a misdemeanor violation of § 10-604(a) for causing, procuring, or authorizing Hip #396 to be overdriven and inflicted with unnecessary suffering and pain.
- **Theodore W. Shapiro, Owner of Hip #396**. As Hip #396's owner who entered her into the under tack show at Timonium on May 19, if present at the May 19, 2011, under tack show or otherwise aware of the life-threatening track conditions prior to Hip #396's injury, Shapiro may be charged with a felony violation of § 10-620(a) for willfully furthering an act that injured and destroyed Hip #396, as well as a misdemeanor violation of § 10-604(a) for causing, procuring, or authorizing Hip #396 to be overdriven and inflicted with unnecessary suffering and pain.
- **Fasig-Tipton Company, Inc.**, 2400 Newtown Pike, Lexington, KY 40511; 859-255-1555 (phone); 859-254-0794 (fax); info@fasigtipton.com. Fasig-Tipton is the thoroughbred auction firm that held the under tack shows at Timonium on May 18–19, 2011, and was responsible for planning, orchestrating, and managing the event. It may therefore be charged with violating § 10-604(a), a misdemeanor, for causing or procuring Hip #396 to be overdriven and inflicted with unnecessary suffering and pain at the May 19 under tack show.

In under tack shows such as the one that resulted in Hip #396's death, horses in the spring of their two-year-old years will sprint  $\frac{1}{8}$  of a mile at speeds faster than they will ever run in their future racing careers. Some are driven to break the ten second barrier—faster than even elite fully-mature horses would run any fraction of the Sprint at the Breeders' Cup World Championship. Many of these horses are still chronological yearlings, and there is a wealth of evidence establishing that these speed tests are damaging to young horses and put them at risk for injuries and catastrophic breakdowns. Dr. Lyons, who was featured on the cover of *The Blood-Horse*, a leading international horseracing publication, stated:

Pushing these immature two-year-old horses for speed before they have reached physical and mental maturity is recklessly dangerous and systematically damaging for the animal while also proving to be unreliable for the prospective buyers as a predictor of future racing ability.

*See* Statement from Sheila Lyons, D.V.M. to PETA (June 28, 2011) (Exhibit 2). Randy Bradshaw, who has worked with the winners of numerous top tier (Grade 1) races, including 2011 Kentucky Derby winner Animal Kingdom, stated, "I don't like them to have them go in 11

[seconds]. We don't go that fast . . . . Going slow develops denser, harder bone." Ray Paulick, *The Breeders' Cup Forum: Breaking and Training with Randy Bradshaw*, Paulick Report (Aug. 10, 2011, 10:29 AM), http://www.paulickreport.com/features/the-breeders-cup-forum/the-breeders-cup-forum-breaking-and-training-with-randy-bradshaw/. Dennis Brida, a former trainer, owner, and president of the New York Thoroughbred Breeders, called these sales "idiotic speed tests," and said that auctions are "butchering" these horses. Telephone interview with Dennis Brida, former President, New York Thoroughbred Breeders (July 1, 2011). PETA's <u>footage of under tack shows</u> (a compilation of which is also included on the DVD enclosed with the original of this letter) shows numerous young horses suffering fatal breakdowns while sprinting at excessive speeds.

In recognition of these dangers, several auctions have taken extra precautions to protect juvenile horses in under tack shows. In 2007, Adena Springs Association—an award-winning international breeder—changed the format of its sales, stating that "[t]he 2-year-olds with late foaling dates, May or June, will not breeze [(i.e., accelerate through the stretch)]. They will gallop." Dave Goldman, *Adena Springs Changes Up Sale Routine*, Daily Racing Forum (Mar. 16, 2007, 12:00 AM), http://www.drf.com/news/adena-springs-changes-sale-routine. Mark Roberts, the general manager of Adena Springs' Florida division, stated, "We feel that it does not serve the 2-year-olds or the buyers to have an immature horse race a furlong in 10 and change." *Id.* It is noteworthy that Adena Springs, unlike most others, also does not record individual under tack times in any of its shows—horses either breeze if they have reached maturity, or gallop.

The demonstrated risk for injuries and fatal breakdowns in under tack shows is even further compounded by bad weather and poor track conditions like those present at Timonium during Hip #396's breakdown, often leading auction hosts to cancel or postpone shows. In 2004, at a Keeneland Association under tack show, a filly suffered a catastrophic breakdown on a sloppy track. The auction company cancelled the remainder of their sale, citing the welfare of the horses. It was the second time Keeneland Association had postponed a scheduled sale that year due to unsafe track conditions. After the incident, consigner Kip Else noted that rain is particularly dangerous for under tack shows, as opposed to races:

It's not like when you run a race and 12 horses go over it and you harrow it right away, smooth it out, and it's closed for the next half hour. Here, where there's a steady rain, the rain gets down into the [horses'] footprints between breezes, and it gets uneven.

Deirdre B. Biles, *Keeneland Calls Off Under Tack Show Following Filly's Breakdown*, BLOODHORSE.COM (Apr. 12, 2004), http://www.bloodhorse.com/horse-racing/articles/21827/ keeneland-calls-off-under-tack-show-following-fillys-breakdown. Consigner Niall Brennan also praised the company for its actions: "It's unsafe to ask these babies to breeze so fast over a bad track. . . . When you're sitting there praying every time one of your horses goes, there's something wrong." *Id*.

Since that 2004 breakdown, the Ocala Breeders' Sales Company similarly rescheduled under tack shows in 2005, 2007, 2008, 2009, 2010, and 2011 due to forecasts for storms and wet weather. Barretts' Equine Limited postponed auctions in 2004 and 2006 for this reason, as well

as Adena Springs Association in 2008. In fact, Fasig-Tipton also cancelled an auction at the Maryland State Fairgrounds on May 16, 2007, as a result of "stormy weather."

Although the culpable parties were therefore aware of the well-recognized life-threatening dangers a wet and muddy track present, neither Bennett, Browning, nor Fasig-Tipton canceled, postponed, or performed necessary track maintenance to ensure the horses' safety on May 19, 2011, resulting in the fatal injury to Hip #396. In fact, they did not even postpone the under tack show following Hip #396's breakdown. Nor did Bergsrud or Shapiro take any action to stop Hip #396 from sprinting under these conditions and suffering a painful death despite their ability and, indeed, responsibility to do so.

an expert on racehorse gait and president and chief executive officer of a consulting company that provides video analysis of the sprints to potential buyers and purchased the top sale horse at the Fasig-Tipton auction—described track conditions at the time of the breakdown as "awful mud and rain and a dangerous track." E-mail from President and CEO, President and CEO, To PETA (June 2, 2011) (on file with PETA). Although the conditions in which under tack shows are held are not required to be classified and reported as they are for races, that same day, conditions of the Pimlico Race Course, located only seven miles from the Fasig-Tipton auction, were listed as "muddy (sealed)." *Pimlico Race Reports*, Equibase Company (May 19, 2011), http://www.equibase.com/premium/ eqbPDFChartPlus.cfm?RACE=A&BorP=P&TID=PIM&CTRY=USA&DT=05/19/2011&DAY= D&STYLE=EQB.

Following Hip #396's breakdown, the track was "worked"—tractors were used to harrow its surface—but no additional inspection was made despite witnesses observing an abnormality. As further described:

I believe there was a problem at the spot of the breakdown that caused it, and you could see the tractor that went over that point bounce there, like it had hit a hole. It was the only spot and only tractor I saw bounce. . . . Others noticed that too. Yet, they worked the track after the breakdown, but no "examination" or other than the usual "working of the track" as remedial action.

Nothing was postponed—just a break of about 20 minutes after the accident to rework the racetrack, and that was so they could take advantage of the lost time on the accident and not have another additional break later.

E-mail from President and CEO, to PETA (June 6, 2011) (on file with PETA).

Given the already demonstrated risk for injuries and catastrophic breakdowns from driving horses to run at excessive speeds, Bennett, Browning, and Fasig Tipton's refusal to postpone the under tack show and Bergsrud and Shapiro's failure to pull Hip #396 from her trial despite dangerous track conditions and industry-wide knowledge of these dangers, each caused Hip #396 to be recklessly overdriven and caused her unnecessary pain and suffering, in violation of Maryland criminal code § 10-604. Moreover, by forcing Hip #396 to race, Bennett, Browning,

Bergsrud, and Shapiro willfully instigated, engaged in, and furthered an act that injured and destroyed the filly, a felony violation of § 10-620.

Please advise me that your office is taking action to investigate and prosecute these violations of Maryland law and contact me if you have any questions or if PETA can be of any assistance to your office in addressing this matter.

Very truly yours, Jared S. Goodman

Exhibit 1

#### Hip No. 396

# Property of Theodore Shapiro, SAB Sales (Scott A. Bergsrud), Agent III

## **Bay Filly**

	(Flatter		Seattle Slew
Bay Filly February 17, 2009		Praise	Mr. Prospector
	Transmit	(Horse Chestnut (SAF)	Wild Applause
			London Wall
			Broad Brush
			Fara's Team

By FLATTER (1999), 3rd Washington Park H. [G2]. Sire of 5 crops, 12 black y FLATIER (1999), 3rd washington Fark n. [62]. Site of 3 crops, 12 black type winners, \$9,534,765, including Apart (to 4, 2011, \$580,018, Super Derby [62], etc.), Tar Heel Mom (to 6, 2011, \$546,192, Distaff H. [62], etc.), Mad Flatter [G3] (6 wins to 5, 2010, \$236,288), Single Solution [G3] (to 5, 2011), Jack o' Lantern [G3], Pashito the Che (to 4, 2010, \$522,670).

### 1st dam

TRANSMIT, by Horse Chestnut (SAF). 2 wins, \$50,744. This is her first foal. 2nd dam

BROADCAST, by Broad Brush. Winner at 3, \$30,841. Sister to CONCERN, TENNIS LADY, Lucky Clone, Broad Expectations. Dam of 7 foals, 6 winners, including-

NETWORK (g. by Pulpit). 6 wins at 3, \$342,035, Lamplighter S. [L] (MTH, \$60,000), Spend a Buck S. (MTH, \$36,000), 2nd Hal's Hope H. [G3] (GP, \$20,000), Frisk Me Now S. (MTH, \$13,000), 3rd Pegasus S. [G3] (MED, \$27,500), Salvator Mile S. [G3] (MTH, \$16,500).

Zanoubia (f. by Our Emblem). Winner at 2 in France, 3rd Prix des Jou-venceaux et des Jouvencelles, Criterium de l'Ouest. Producer. Durkin's Call. 6 wins, 3 to 7, \$141,182.

3rd dam

FARA'S TEAM, by Tunerup. 6 wins at 2 and 3, \$360,515, Test S. [G1], Prio-First S. [G2], 2nd Fantasy S. [G1], Martine S. [G2], 2nd Fantasy S. [G1], Martine Washington S. [L] (OP, \$12,360), Martine Washington S. [L] (OP, \$12,090), Lucky Lucky Lucky S. (MED, \$7,536), Prom S. (MED, \$7,020), etc. Dam of 7 winners, including--CONCERN. 7 wins, 2 to 4, \$3,079,350, Breeders' Cup Classic [G1], Cali-

CONCERN. 7 wins, 2 to 4, \$3,079,350, Breeders' Cup Classic [G1], Cali-fornian S. [G1], Arkansas Derby [G2], New Orleans H. [G3], 2nd Super Derby XV [G1], Travers S. [G1], Ohio Derby [G2], Rebel S. [G3], 3rd Preakness S. [G1], Oaklawn H. [G1], Haskell Inv. H. [G1], etc. Sire. TENNIS LADY. 7 wins, 2 to 4, \$283,048, Martha Washington S. [G3], etc. Granddam of Inventive (3 wins, \$134,000), She's Roughin It. Lucky Clome. 8 wins, \$170,995, 2nd Linkage S. (TIM, \$10,000). Sire. Broad Expectations. 3 wins, \$53,940, 3rd Jersey Blues S. Producer.

4th dam

4th dam SPECIALIZATION, by Princely Native. Winner at 2, \$24,140. Half-sister to Vintage Red. Dam of 4 winners, including DELAFIELD [G3] (6 wins, \$196,637). Granddam of MR. MCCARTNEY [G1] (champion sprinter in Brazil), MENTALITY [G1] (to 7, 2010, Total: \$1,680,209), VIGORS DESTINY (\$161,494), My Dream (BRZ) (to 9, 2010, Total: \$226,097), Intrepid, Lucky Sherman. Great-granddam of FUI (BRZ) (in Bra-zil), Grizzled Robert [G3] (to 5, 2011, \$134,875), Inventive (\$134,-000), Freuds Ana Streak (at 2, 2010), She's Roughin It.

KTDF.

2-11

Barn F-G

Exhibit 2

# Statement of Sheila Lyons, D.V.M. June 28, 2011

This fatal breakdown of a 2-year old thoroughbred race horse prospect appears to have suffered a complete compound condylar fracture of the right third metacarpus, which on subsequent steps taken on the exposed bone, became a comminuted compound fracture resulting in the further disintegration of bone as fragments appear to be dispelled from the fracture site.

As an equine sports medicine clinician and researcher, what is most disturbing to me is the fact that these breakdowns need not occur. Biomechanical science, basic biology and veterinary medical science clearly tells us that an immature horse cannot perform high speed work in a way that is reliably predictive of its racing ability at maturity. Of far greater significance in the selection of racing prospects are factors that would include—age appropriate conformation analysis; the quality of the horse's walk, trot and slow gallop; cardiovascular analysis; laryngeal examination; pedigree analysis; full physical examination; and temperament.

The focus on extreme speed in immature and early 2-year old thoroughbreds as a measure of future value as a race horse is simply faulty reasoning and racing statistics support this fact. But this faulty reasoning damages thousands of horses whose owners are in the business of selling their horses at 2-year old in training sales in the USA. The number of horses that break down or are permanently damaged by attempts at speed work is high but these statistics are not kept by the racing industry or the veterinary profession. In order to solve a problem we must first define it. We need these statistics and more.

Motivated by the business incentive to sell for the highest price, many breeders or professional resellers will push their young sales stock for speed, but many of these same horsemen will hold back on speed work with horses they intend to keep for their own racing stables. Experience has made it clear that it is not in the best long term interest of the horse to ask for excessive speed before the horse is mature enough both mentally and physically. They protect the individuals they intend to keep and (reluctantly) push the sales prospects due to business pressure to produce the fastest works at the sales. Buyers are deceived into believing that they should pay a premium for the fastest 2 year old at the sale and this in turn perpetuates the misunderstanding that this is the most valuable horse, and the cycle continues.

One example of a speed and power related physical maturation factor I have recognized in my practice is the relative development of the biceps femoris muscle within the hamstring complex of muscles. It appears to be related to skeletal growth and maturation of height in the individual horse. If this most important muscle that gives power and thrust to the hindlimbs is not in balance with the development of the semi-membranosus and semi-tendinosus muscles, the horse will neither be capable of fast speed nor optimum performance. Yet I have seen hundreds of 2-year old thoroughbred racing prospects offered at sales with this speed inhibiting lack of development and their performance is poor in speed drills. But they may very well be

outstanding racing prospects passing through this normal development stage. My clinical practice records reveal that by August, only about 10% of two year old thoroughbred horses examined have presented with a mature and balanced development in this important muscle group on physical examination. Common sense and science both ask—why are we pushing these horses for speed when it is abundantly clear that by overwhelming majority, they are not sufficiently physically developed to respond?

Changing the rules for 2-year old in training sales could help to protect both the horses and the business interests of the sellers, buyers, and also benefit the industry in general by eliminating the incentive to show extreme speed at this early age. These may include:

- 1) No speed work for 2 year old horses at sales.
- 2) Ban the use of drugs at all in-training sales and drug test every horse on presentation day.
- 3) Ban horses from any sale that have had joint injections within 90 days of an in-training sale.
- 4) Require comprehensive veterinary records to be kept in accordance with state veterinary licensing regulations and make them available for each horse offered at an in-training sale.
- 5) Require that horses have reached their second chronological birthday before entering a 2 year old sale.
- 6) Keep records on every registered thoroughbred and list a cause of death, final disposition or retirement for every horse.
- 7) Require necropsy and drug testing for any horse that breaks down at any in-training sale.
- 8) Keep comprehensive veterinary and race records for every registered thoroughbred.
- 9) Keep comprehensive veterinary records for progeny of all thoroughbreds used for breeding.
- 10) Fund and conduct veterinary sports medicine research on factors predictive racing performance.
- 11) Full disclosure of all relationships between buyers' and sellers' representatives.
- 12) Encourage 3-year old in-training sales to be held early in the year.
- 13) Create purse incentives for racing older horses.
- 14) Keep and publish all statistics related to the numbers of horses that begin training and the number that make it to the races.

Pushing these immature 2 year old horses for speed before they have reached physical and mental maturity is recklessly dangerous and systematically damaging for the animal while also proving to be unreliable for the prospective buyers as a predictor of future racing ability. Some risks are more challenging than others to address but this one is easy—eliminate the speed work at 2 year old in training sales.

You may contact me by e-mail at <u>homecomingfarm@comcast.net</u> or telephone at 508-857-1934.

Sincerely, Sheila Lyons, D.V.M. Homecoming Farm, Inc. 21 Augusta Ave. Brockton, MA 02301-3373