

Title 15 DEPARTMENT OF AGRICULTURE

SUBTITLE 16 MARYLAND HORSE INDUSTRY BOARD

Chapter 03 Administrative Penalty Standards

Authority: Agriculture Article, §§2-701, 2-710, and 2-718, Annotated Code of Maryland

.01 Scope.

This chapter determines the administrative penalty amount for any person who operates an unlicensed horse establishment or has violated any provision of Agriculture Article, §2-715, Annotated Code of Maryland.

.02 Penalty.

A. Terms Defined. In this chapter, the following terms have the meanings indicated.

(1) "Licensee" means a person who is licensed to operate a Horse Establishment.

(2) "Member of the Board" means a member of the Horse Industry Board including a Board inspector.

B. After a hearing, or an opportunity for a hearing, the Board may impose a penalty on:

(1) A person who operates or maintains a horse establishment without a license; or

(2) A licensee who:

(a) Refuses to allow a member of the Board to enter and inspect the licensed premises;

(b) Obstructs any member of the Board in the performance of that person's duties;

(c) Fails to provide suitable food, water, and shelter for a horse under control of the licensee;

(d) Maintains an unsanitary or unfit horse establishment;

(e) Fails to provide suitable saddles, bridles, harnesses, or other tack or equipment;

(f) Allows unfit horses to be used for riding or driving purposes;

(g) Commits an act of cruelty as defined in Criminal Law Article, § 10-601,

Annotated Code of Maryland, or allows the commission of an act of cruelty by any other person with relation to any horse under control of the licensee;

(h) Does any other act that, in the opinion of the Board, taking into consideration the welfare of the horses under the control of the licensee, shows that the licensee is unfit to operate a horse establishment; or

(i) Fails to comply with the rules and regulations of the Board after receiving a license.

.03 Violations for the Purpose of Determining Penalties.

A. Except as provided in §B of this regulation, the Board may impose an administrative penalty up to \$2,000 for each violation of this chapter taking into consideration the gravity of the offense as it relates to:

(1) The risk of injury to member of the public who may let for hire, to be ridden or driven, a horse at that establishment; or

(2) The fitness or welfare of a horse under the control of the licensee.

B. For violations of Regulation .02B(1) and B(2)(a)—(b) of this chapter, the Board may impose:

(1) For a first violation, a penalty of not less than \$500 or more than \$1,000;

(2) For the second violation, a penalty of not less than \$1,000 or more than \$1,500; and

(3) For the third and any subsequent violation, a penalty of not less than \$1,500 or more than \$2,000.

.04 Appeal.

A. Any person subject to the Board's jurisdiction may appeal, according to Agriculture Article, §2-405, Annotated Code of Maryland, the Board's decision to impose an administrative penalty.

B. An operator shall be notified of this right to appeal.

.05 Penalty Payment.

Unless a person appeals, the amount of a penalty shall be paid promptly to the Board.