



## MHIB to Begin Fining Unlicensed Facilities in July

by J. Robert Burk

Is the equine facility you operate – or the one where you ride or board your horse – licensed?

By now, most Maryland stable operators understand that a stable license is required to operate. In fact, since the late 1960s, the Maryland legislature has required that facilities operating as equine boarding, rental, instructional, or sales facilities be licensed by the Maryland Department of Agriculture through the Maryland Horse Industry Board (formerly the State Board of Inspection of Horse Riding Stables).

Thanks to a law that passed in recent years and new legal decisions, the MHIB will begin to formally track down and fine illegally operating facilities in July of 2006. The office of the attorney general and the department of legislative services have both ruled that the MHIB has the authority to pursue operations without licenses that are in need of them. Also, in 2004, House Bill 95 passed through the legislature, allowing the board to fine illegally operating facilities up to \$2,000 for each offense.

### How Does Licensing Work?

The application process has always been quite simple. Facility operators are required to maintain a minimum level of care for the animals and the facility. A sample of those standards may be found at the website <http://mdhorsecouncil.org/guide.htm>.

Each year that the facility remains in operation, a stable license form must be filled out and a yearly fee of \$75 collected for licensing and inspection. Inspectors Beverly Raymond and Robin Roscher have had years of experience with equine operations and are knowledgeable, highly trained individuals who approach every situation with the farm owners/operators, the animals, and the clients' interests at heart. In fact, many lifelong friendships have developed between our inspectors and the facility operators.

### Why Are Licenses Required?

In the late 1960s, the state legislature was asked how horse riders and owners would be assured of their safety – and the horses assured of humane treatment – within Maryland's equine facilities. The answer came in 1975, when the first stable license was issued to a farm in Millersville (Anne Arundel county). This license was issued as HR 1, and as of 2006, the latest license issued (to a stable in Lineboro) was designated HR 1235. Each stable holds onto the original designation until such time as it no longer exists as an equine facility.

### Excuses for Not Licensing

At the Maryland Horse Industry Board, our inspectors have heard all of the excuses you could imagine. Some of our favorites include:

- **I didn't know about licensing.**

*MDA response: Ignorance of the law is no defense.*

- **We are a private facility.**

*MDA response: Most horse facilities consider themselves private, but that is no excuse for not obtaining a license to operate. The law does not discriminate between public and private facilities.*

- **We train, breed, or rescue horses; we don't board or rent them.**

*MDA response: If you house five or more horses that are not your own for any period of time and receive compensation for any services, or if you receive compensation for the use of even one horse (for any reason), or if you sell five or more horses either from your facility or at an auction, you need a license. It is plain and simple.*

- **We don't have horses; we only have ponies.**

*MDA response: "Horses" are defined in the law as either horses or ponies.*

- **We own such a nice facility that we don't need to be inspected.**

*MDA response: Regardless of how nice your facility is, it still needs a license, and how bad will your "nice" facility look if you are brought up on charges for operating illegally?*

- **I am scared of licensing.**

*MDA response: Licensing is not a scary process. Once you have been through it, you realize just how simple it is. Over 97% of the facilities inspected meet the minimum requirements of the state. It might have been scary for you to take your driver's license test, but you still have to do it by law in order to operate a vehicle on Maryland roads. The same can be said for licensing. Moreover, if you receive a civil penalty bill that is more than six times the cost of a stable license (for the first violation; subsequent violations may cost as much as 26 times the cost of a license), then you will begin to regret not facing your fear.*

- **We don't make any money at this; it is a hobby, or we are a non-profit/not-for-profit entity.**

*MDA response: Your operation may not be profitable, but it still may fall within the law requiring a license.*

### Flagrant Violators

For the past several years, the MHIB has kept a database of facilities suspected of operating without a license. During that time, the MHIB has gathered evidence in order to pursue said facilities. As of July 2006, the MHIB will begin to fine said facilities. If you think that your facility is one of those under suspicion, you have until June 30 to submit an application for a license for the 2007 fiscal year. If you have been notified prior to this article, then your facility may already be about to receive a penalty, so license now; it only costs \$75! Especially flagrant violators may face criminal penalties that include fines or imprisonment.

### Buyer Beware

Over 99% of the complaints that the MHIB receives pertain to a select few facilities that are operating without a license. As a boarder or rider, you are entering into a dangerous situation by becoming involved with illegally operating facilities. Not only is it dangerous for yourself or your child, it's dangerous for your horse. The next time you visit your facility, ask the operators

*This column is sponsored by the Maryland Horse Industry Board. The views expressed herein are those of the author and are not necessarily those of The Equiery's publisher or staff.*

to show you a copy of their stable license. They are required by law to post it in a place viewable by the public. If they don't have one, ask why. If you wonder whether they are currently licensed, visit the MHIB website at [www.marylandhorseindustry.org](http://www.marylandhorseindustry.org) for a complete list of licensed facilities, or call 410-841-5861.

### **Who Must Apply for Licensing**

Those who are subject to licensing fall under any of the following four categories:

1. Boarding class, for establishments that stable five or more horses and receive compensation for the services
2. Sales class, for establishments that sell five or more horses a year
3. Rental class, for establishments that let for hire one or more horses to be ridden or driven and for which instruction is not given
4. Instruction class, for establishments that let for hire one or more horses to be ridden or driven and for which instruction is given

### **Facilities Exempt from Licensing**

1. Horse racing and Standardbred stables;\*

- For purposes of this regulation, "horse racing and Standardbred stables" means stables or farms where horses are bred, trained and rested for purposes relating to either or both of the following types of racing:

- (a) the racing of Thoroughbreds, whether it be on a flat course or over hurdles; and
- (b) the racing of Standardbreds, whether they be trotters or pacers.

- \* Operators of these facilities are subject to any licensing requirements set by the Maryland Racing Commission.

2. Farms using horses for agricultural purposes and not for any of the activities listed above.

- For purposes of this section, "agricultural purposes" includes the following uses:

- (a) working or cultivating the soil; and
- (b) herding or cutting livestock.

### **Benefits of Licensing**

As a licensed stable owner in the state of Maryland, you receive all of the privileges afforded other licensed stable owners, including representation, remuneration, and

inclusion in industry related activities.

In fact, licensed stable owners are represented on the Maryland Horse Industry Board; currently, that position is held by Carol Wicker of Fence Post Farm in Pasadena (Anne Arundel county). Your facility will be included in promotional campaigns such as the listing of licensed stables, and if your organization is recognized as a non-profit or not-for-profit entity, or involved with one (such as 4-H, Pony Club, etc.), you are eligible for grant money distributed by the Maryland Horse Industry Board.

Additionally, by being licensed, your facility avoids being found guilty of operating illegally in the state, thereby facing fines and possible imprisonment, and is able to represent itself to the public as a reputable facility that cares about the welfare of the animals and the members of the entire horse industry.

To obtain a license application, call 410-841-5861.

For a list of currently licensed facilities, visit [www.marylandhorseindustry.org](http://www.marylandhorseindustry.org). ■