

RULING BY THE REGISTRY RULES COMMITTEE (the "Committee")
OF THE
AMERICAN SADDLEBRED HORSE AND BREEDERS ASSOCIATION, INC.
(the "Association")

IN THE MATTER OF:

ALIDA SNYMAN AND PIETER SNYMAN CONCERNING ALLEGED REGISTRY
RULES VIOLATIONS WITH RESPECT TO TRANSACTIONS INVOLVING THE
FOLLOWING HORSES: OH BY GOLLY MISS MOLLY (155635M), ANNIE'S
CABERNET (139570), AND 2022 FOAL OF FELONY MELANIE (145856)

Background

This matter began as a complaint filed under the Association's Code of Conduct on July 9, 2022 by Trieste ("Terry") Felder on behalf of her client, Sandra Kaiser, regarding the purchase and sale of Oh By Golly Good Molly (owned by Pieter and Alida Snyman (the "Snymans") and Annie's Cabernet (owned by the Estate of James W. Orr, Jr., with the Snymans acting as seller's agent) in late 2019 or early 2020. The complaint alleges that as of the date of the filing of the complaint, Registration Certificates for neither horse had been transferred, notwithstanding repeated efforts to contact the Snymans to obtain relief. In addition, Annie's Cabernet had been bred and has an as yet unregistered foal (foaling date March 4, 2021).

There were no written agreements regarding these transactions and the purchase price for these two horses had been delivered by wire transfer to the Snymans' account, which was in accordance with a prior course of dealing involving the Snymans, as sellers' agents, Ms. Felder, as buyer's agent, and Ms. Kaiser, as buyer.

Preliminary inquiries were made to Ms. Alida Snyman to determine the status of these matters and to gather additional facts. Assurances were provided that these issues were or would be resolved. Oh By Golly Good Molly was transferred to Ms. Kaiser via documentation received by the Registry on June 27, 2022 (although not reflected on the Association's website as of the date the Felder complaint was filed), with an effective date

of July 1, 2020. By telephone call the week of July 11, 2022, Ms. Snyman stated that Annie's Cabernet's transfer had been sent in.

On July 19, 2022, the Registry staff was made aware of issues involving Felony Melanie, which had been the subject of a written and recorded Lease Agreement, between owner/lessor, Jayne Tillman, and the Snymans, as lessee. The lease expired on September 30, 2019. Although Ms. Tillman alleges that an agreement was reached for the purchase of Felony Melanie, the purchase price was never paid and Felony Melanie was returned to Ms. Tillman on April 12, 2022. Unbeknownst to Ms. Tillman and without her authorization, Felony Melanie had been bred the previous year and had a foal at her side. Ms. Tillman alerted the Registry to the unauthorized breeding and the absence of information regarding the foal's sire, breeding date(s), foaling date, and state where born.

Ms. Snyman was contacted on July 20, 2022, seeking an update on the transfer of Annie's Cabernet and the provision of needed information for the 2022 foal of Felony Melanie. The reply was nonresponsive other than to say that she would take care of everything. Again, on July 26, 2022, Ms. Snyman was asked about the pending matters and was told by reply that Ms. Tillman's was taken care of and that the stallion report error was fixed and "I've mailed the other one [Annie's Cabernet] off to get signed. . . But it's all getting taken care of."

On August 5, 2022, the Conduct Review Committee met and referred the matter to the Registry Rules Committee. The complaint, which included both the Felder/Kaiser issues and the Tillman issue, was sent by USPS and email to the Snymans on August 12, 2022. Ms. Snyman has acknowledged the receipt of the complaint and sought an extension

to the response deadline, which was extended to September 27, 2022. The Snymans have not responded to the complaint or to further contacts.¹

Administrative Review

With the time for filing a response having expired, the Committee met on October 19, 2022, via Zoom. All members of the Committee were present (Julie Behrends-Jones, Sandra Currier, Charles R. Herbert, Jr. Kimberly Skipton, and Rachel A. Seifert, Chair). Pursuant to Registry Rule XIII.C.4., the Registry Rules Committee may review and rule on a matter without a hearing. Because no response to the complaint had been submitted, the Committee determined that no hearing was needed. The Committee discussed the facts and the allegations of rule violations raised by Felder and Tillman.² Pursuant to Registry Rule XIII.C.8., the person (in this case, the Registry) making the complaint has the burden of proof, by the preponderance of the evidence.

Findings

The facts and issues raised by Felder and Tillman properly set forth allegations of violations of the Registry Rules as follows:

1. Making a false, misleading, or fraudulent statement with regard to the transfer of a horse;
2. Knowingly withholding a transfer certificate from the legal owner of a horse;

¹ In early October 2022, the executors of the Estate of James W. Orr, Jr. were contacted and have agreed to cooperate with Ms. Felder and the Registry regarding the transfer of the Registration Certificate of Annie's Cabernet.

² During the course of the deliberations, the Committee was made aware of other conduct by the Snymans in potential violation of the Registry rules. However, because the Snymans had not been notified of these matters, they did not form part of the deliberations or findings of the Committee.

3. Refusing upon reasonable request to assist the Registry or answering promptly and truthfully any inquiry concerning a horse which such person owns or controls;
4. Failure of a stallion owner to supply a Stallion Service Report to the Registry by October 31st of the current breeding season or making a false statement on the Stallion Service Report;³ and
5. Failure to submit required transfer documentation and fees for the sale of a registered American Saddlebred.

There being no evidence before the Committee that disputes the allegations, they are accordingly accepted as true.

The Committee finds that the complainant has met its burden of proof and that the Snymans have committed the violations listed above.

Imposition of Penalties

1. The Snymans are jointly and severally assessed a monetary fine of \$2,500.00.
2. Until such time as the monetary fine is paid in full, the Snymans are suspended from registering or transferring horses or from having any business with the Registry, including without limitation issuing or transferring any Registration Certificate in the name of either or both Pieter and Alida Snyman or any other person affiliated with either of them. For purposes of this suspension, the term "affiliated with" means related to (parent (including step), child (including step), spouse, or sibling (including step or half), and any entity owned by or under common control with, such person (see, Registry Rule XIII.B.1.e.). The following exceptions to the suspension shall

³ It is noted that late fees have been paid for the late amendments to the Stallion Service Reports submitted to the Registry and that this violation was not taken into consideration in imposing the monetary fine.

apply: the suspended person(s)' signature may be honored, however, on registration applications, Breeder's Certificates, Stallion Service Reports, transfer reports, and bills of sale for the purposed of allowing such suspended person(s) to transfer horses to bona fide purchasers and not made with the intention of circumventing the penalty; and written leases filed with the Registry prior to the time of suspension covering horses owned by the suspended person shall be valid and the signature of the lessee shall be accepted during the term of such lease for all purposes other than renewal of the lease or transfer of the registration (see, Registry Rule XIII.B.1.b.).

Further Proceedings

In accordance with the Registry Rules, the Registrar shall serve a copy of this ruling on each of Trieste Felder, Jayne Tillman, and Pieter and Alida Snyman. The Registrar shall also send a copy of this ruling to the Executive Director, who shall in turn notify the membership of the Association.

Any party may appeal the action of the Registry Rules Committee to the Registry Council of the Association. A party wishing to appeal must file a written appeal with the Registrar within fifteen (15) days after service upon such person of this ruling; the appeal must be accompanied by a filing fee of \$200.00 made payable to the Association and specify the reasons for appeal and relief sought.

Respectfully submitted this 21st day of October, 2022.



Rachel A. Seifert, Registry Rules Committee Chair