

**From:** [American Horse Council](#)  
**To:** [United Horse Coalition](#)  
**Subject:** AHC Latest News- June 2022  
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American Horse Council - *Your Unified Voice in Washington*

# AHCnews



## June 2022

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***The AHC News is published monthly and provided to you as an AHC member benefit. Through AHC's network of organizational, small business and individual members, our news reaches 1M horse enthusiasts - please pass it along!***

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### **[AHC 2022 Annual Conference highly successful!](#)**

(Washington, D.C., June 10, 2022): The American Horse Council hosted a highly successful 2022 Annual Conference June 5<sup>th</sup> – 7<sup>th</sup> at the Omni Shoreham Hotel in Washington, D.C. attended by 150 of the equine industry's leaders and stakeholders.

AHC Board Chair, Dr Rick Mitchell stated, "We couldn't be more pleased with the attendance for our first back in-person event and the enthusiasm and collaboration everyone showed."

AHC Standing Committees – Recreation Trails and Land Use, Show & Competition, Equine Welfare, Racing Advisory and Health & Regulatory had robust meetings including engaging guest speakers with thorough presentations.

The United Horse Coalition and Equine Welfare Data Collective held a standing room only event with a diverse panel of aftercare providers discussing the benefits of welfare organizations becoming accredited and how the industry can support the welfare community as a whole.

The National Issues Forum included topics from Business Management (Organizational Growth Strategies & Shared Services), Work/Life Balance, Youth Engagement, Horse Sales Trends, Equine Liability Laws, Equine Research, and Preserving Equine Genetics.

***The recap recording is available on the AHC website - just click the link below***

### **[AMERICAN HORSE COUNCIL 2022 CONFERENCE – American Horse Council](#)**

#### **AHC, AVMA & AAEP Submit Letter of Support for PAST - June 16, 2022**

The Honorable Frank Pallone  
Chairman  
House Energy & Commerce Committee  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Cathy McMorris Rodgers  
Ranking Member  
House Energy & Commerce Committee  
2322 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Jan Schakowsky  
Chairwoman  
Consumer Protection & Commerce Subcommittee  
Subcomm  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Gus Bilirakis  
Ranking Member  
Consumer Protection & Commerce  
2322 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairs Pallone and Schakowsky and Ranking Members McMorris Rodgers and Bilirakis:

The American Horse Council (AHC), American Veterinary Medical Association (AVMA) and the American Association of Equine Practitioners (AAEP) have long supported the Prevent All Soring

Tactics (PAST) Act (H.R.5441/S.2295), as currently introduced in the 117<sup>th</sup> Congress. We urge the committee to markup the PAST Act soon and approve it as introduced and already passed by an overwhelming bipartisan House vote of 333-96 in 2019. The current version of the PAST Act lays out a common-sense solution to prevent the continued practice of soring and is limited in scope to Tennessee Walking Horses, Racking Horses and Spotted Saddle Horses.

Certain segments of the walking horse industry have continued their 2020 efforts to introduce an alternative “compromise” bill which would substantially alter the PAST Act. When first introduced, after careful review and meeting with numerous industry stakeholders, the AHC, AVMA, AAEP and their members had significant concerns with the compromise legislation and are still opposed to these alternative proposals.

The PAST Act, as introduced, addresses several specific aspects of the business and competition concerns that are not replicated in any alternative presented historically. Any legislation that falls short of requiring USDA licensing of inspectors will fail to address the conflict of interests present in the existing inspection system. Additionally, any change in language that limits scientifically recognized inspection techniques should be called into question, including language to prohibit palpation. The National Academies of Sciences, Engineering, and Medicine final report on Methods of Detecting Soring – released in January 2021 after a comprehensive 16-month study by experts – embraced palpation and observation of horse movement as the basis of all examinations for leg pain and lameness when performed by appropriately trained inspectors.

Our organizations are committed to the care and welfare of the horse. The PAST Act, as originally introduced, will ensure that the horrific action of horse soring will be addressed, and the practice a thing of history.

### **Call to Action to support “The Old Guard”**

(Washington, D.C., June 10, 2022): Several weeks ago, the American Horse Council was made aware of some concerns regarding the conditions of the facilities housing the soldiers and horses of The Old Guard at Arlington Cemetery. The 3d U.S. Infantry, traditionally known as "The Old Guard," is the oldest active-duty infantry unit in the Army, serving our nation since 1784. The Old Guard is the Army's official ceremonial unit and escort to the president, and it also provides security for Washington, D.C., in time of national emergency or civil disturbance.

The concerns were highlighted in an CNN article dated April 7, 2022, which stated that “The military horses that carry America's heroes to their final resting place in Arlington National Cemetery are living in unsanitary and potentially life-threatening conditions, according to a US Army report reviewed exclusively by CNN, consuming poor-quality feed, suffering from parasites and standing in their own excrement in tiny mud lots scattered with gravel and construction waste.” The 60-plus horses of the Old Guard are rotated between two facilities in northern Virginia: a stable facility with three paddocks nestled in the Army base at Fort Myer, barely 2 miles outside Washington, and a 6-acre pasture complex at Fort Belvoir, an Army base about 30 minutes outside the city.

To obtain additional information and determine what actions may be needed, AHC staff spoke with The Old Guard leadership; 1LT Carlin Keally, US Army Caisson Platoon Leader, and Major Shahin Uddin, Director of Communications with The Old Guard. They indicated the matter had been addressed and a “detailed and systematic approach to improving the facilities and processes surrounding the care of the horses” has been developed, including the allocation of additional \$2M in funds for the improvements. We offered both officers our continued support should they need anything to help them bring these improvements to fruition.

More recently we understand that funding has been held up in the Department of Defense. AHC is urging the equine community to write/call your congressional members to express your support for The Old Guard and encourage them to expediate the funding.

It has been AHC's honor and privilege to work in partnership with The Old Guard on several community outreach projects over the years, and we are happy to provide them our assistance.

### [The KEEP Foundation Launches Youth Grant Program](#)

Lexington, Ky. Wednesday, May 25, 2022 - The Kentucky Equine Education Project (KEEP) Foundation has launched its first annual youth grant program. The KEEP Foundation is committed to helping support youth who want to become involved with the equine industry for the first time, or continue their involvement in the equine industry.

The KEEP Foundation Youth Grant is available to individuals ages 21 and under who want to attend an equine educational opportunity in Kentucky, who have an interest and desire to be involved with the industry, but lack the financial support.

Read More....

<https://myemail.constantcontact.com/The-KEEP-Foundation-Launches-Youth-Grant-Program.html?soid=1103123456303&aid=Pbqpr7KYaBw>



**UHC 2022  
ANNUAL  
MEETING  
& PANEL  
DISCUSSION**

June 5th, 10am  
Omni Shoreham  
Washington, DC

**UNITED HORSE  
COALITION**  
EDUCATE. ADVOCATE. COLLABORATE.

**Accreditation &  
Partnerships are  
Professionalizing  
the Field**

What it can do for  
you, the equine  
community, and  
the horses you help.

Were you unable to attend the United Horse Coalitions 2022 Annual Meeting or the panel discussion afterward? Not to worry, we've got the recording! Listen in to hear some of the exciting updates from UHC and EWDC in the 2022 year.

Included in this recording is a panel discussion with guests from the top accrediting and partner organizations in the industry, speaking about how accreditation and partnerships are professionalizing the field of rescue - what it can do for you, the equine community, and the horses you help.

<https://youtu.be/KNq0w-vRX40>

Panelists:

- Jennifer Daniels – Standardbred Transition Alliance STA
- Erin Halliwell - Thoroughbred Charities of America TCA
- Daryl Tropea – Global Federation of Animal Sanctuaries GFAS
- Emily Weiss, Ph.D. - ASPCA's Right Horse
- Kristin Werner – Thoroughbred Aftercare Alliance TAA
- Tim Williams - EQUUS Foundation

Interested in learning more about our resources for rescues? Check out the information available in our rescue and sanctuary resources section under "Accreditation Programs."

[www.unitedhorsecoalition.org/resources-for-rescues/](http://www.unitedhorsecoalition.org/resources-for-rescues/)

Included on the page are links to materials and outside organizations that can provide assistance and guidance to Equine Rescues, Rehabilitation Centers, and Sanctuaries on how to become an Accredited Facility. It also includes links to organizations that provide partnerships and the means to elevate your rescue.

### AHC Staffing Changes

We are saddened to announce that Mark Riso, AHC Gov't Affairs Liaison, tendered his resignation June 3, 2022. In the coming weeks, we will embark on a search process to fill this vacancy.

The primary duties of this position include:

- Lead the public policy, government relations and advocacy functions of the AHC.
- Oversee the development and implementation of an effective government relations agenda & strategy to advance AHC's policy priorities through legislative efforts  
Develop plans to execute, track, and manage that strategy.
- Serve as primary contact for Members of Congress, Congressional staff; Cultivate and maintain relationships with key policy makers in Congress
- Represent the AHC at governmental and legislative forums, hearings, coalition meetings and similar initiatives.
- Maintain an understanding of and keep current with all federal legislative developments that impact the horse industry.

If you know someone that might be interested, please have them contact AHC President, Julie Broadway at [jbroadway@horsecouncil.org](mailto:jbroadway@horsecouncil.org) In the meantime, Cliff Williamson and Julie Broadway will be filling in!

### **Equine Extraordinaire**

By Mary Hensley, Sandra Farnik and Kelly Wynne

He was an unflappable presence in the racing paddock and during countless street

patrols. After retiring from the mounted police force, the Thoroughbred gelding embarked on a third career that drew upon his calm composure and kindhearted nature. Once destined to win races and help capture lawbreakers, Fahey now assists with therapeutic riding lessons and excels at winning his riders' trust and capturing their hearts. Fahey's grateful co-workers at the New Beginnings Therapeutic Riding Foundation in Palos Hills, IL, are proud to announce that the foundation's 26-year-old Thoroughbred was awarded The Jockey Club Thoroughbred Incentive Program (T.I.P.) 2021 Thoroughbred of the Year Award. Fahey has also been named the 2021 Favorite OTTB (offtrack Thoroughbred) in Equine-Assisted Therapy from America's Best Racing Fan Choice Awards.

Read more from PATH Intl *Strides* Magazine

<https://pathintl.org/wp-content/uploads/2022/06/PATH-Intl.-Fahey-Story-1.pdf>



## RAFFLE FOR A 2 GUEST, 4 NIGHT ALL INCLUSIVE STAY AT THE: **WHITE STALLION RANCH!**



**PROCEEDS TO BENEFIT THE  
UNITED HORSE COALITION**

**RAFFLE RUNNING FROM APRIL 29TH - JUNE 15TH, 2022.**

**[WWW.UNITEDHORSECOALITION.ORG](http://WWW.UNITEDHORSECOALITION.ORG)**

### **[UHC Raffle Fundraiser - Deadline Extended till June 30th](#)**

The American Horse Council Foundation (AHC) is delighted to host a raffle fundraiser to benefit the United Horse Coalition and its efforts to provide resources to horse owners in need of assistance with maintaining and ensuring the health and wellbeing of their horses.

AHC & AHC President Julie Broadway stated "Our goal is to raise \$10,000 to provide support to the UHC Resource Database which offers horse owners in need access to essentials like hay banks,

feed coupons, vet care, gelding clinics, and other support. “

From April 29, 2022 to June 30, 2022, you can purchase tickets for \$50 each or 3 tickets for \$125.00 for a **chance at a fabulous 2 guest, 4-night all-inclusive stay at White Stallion Ranch in Tucson Arizona**. White Stallion Ranch is an amazing traditional, historic, upscale dude ranch offering lodging, amenities, daily meals, and a vast array of ranch activities from horseback riding to rock climbing, hiking, shooting, fat-tire bikes, and evening entertainment. There’s something for everyone with spa services, a heated pool, sports court, movie theater, petting zoo, and fitness center. <https://www.whitestallion.com/>

White Stallion has been awarded the TripAdvisor Travelers Choice Award from 2018-to 2021 and USA Today’s 10 best summer vacations in the US for Families in 2021.

Tickets can be purchased online at <https://unitedhorsecoalition.org/uhc-raffle/> or in-person at the AHC Annual Conference on June 5-7<sup>th</sup> in Washington DC.

This vacation offer is valid till 6/30/2024. Official rules can be found here:

<https://unitedhorsecoalition.org/wp-content/uploads/2022/04/UHC-Raffle-Rules-2022.pdf>

## **WHEN CAN YOU RECOVER ATTORNEYS’ FEES IN LITIGATION AND ARE ATTORNEYS’ FEES DEDUCTIBLE FROM ORDINARY INCOME?**

**By T. Randolph Catanese, Esq.**

When disputes arise involving any equine or related business or ranch activity the dispute will usually involve attorneys who represent the parties having the dispute. As service providers, the attorneys charge legal fees and costs for their time in representing a party who has a dispute. This article will focus on when a person can recover their attorneys’ fees from another person and whether or not incurred or paid legal fees are deductible against gross income of the person making payment of the legal fees and costs.

When the United States was formed it had the choice of following the “English Rule” regarding which party should pay legal fees in any dispute. Under prevailing English law at the time our country was formed, the losing party in a lawsuit was required to pay the prevailing party their attorneys’ fees and costs. In other words, the person who lost a lawsuit was responsible to not only pay their legal fees and costs, but they were also required to pay the prevailing party’s attorneys’ fees and costs as well. As you might imagine, the English Rule can heavily influence whether a party initiates and pursues litigation against another party.

The United States adopted what is known as the “American Rule” related to recovery of legal fees and costs. Generally, the policy of the United States is to encourage its citizens to seek redress of grievances to foster a more equal society. Under the American Rule a party who prevails in a lawsuit against another party is only permitted recovery of their legal fees and costs against another party in the lawsuit if provided by statute. In other words, if a state legislature or the United States Congress passed a statute which permitted recovery of attorneys’ fees and costs then, based on the statute, the prevailing party could recover their legal fees and costs from the losing party. *See Alyeska Pipeline Service Company v. The Wilderness Society* (1975) 95 S. Ct. 1612, 1616-1617 (citing *Arcambel v. Wiseman* (1796) 3 U.S. 306).

California, Florida and Kentucky (as well as many other states) permit the recovery of

legal fees and costs from the losing party by the prevailing party if within an applicable statute allowing for such recovery. These “fee shifting” statutes generally require that the legal fees be reasonable. Ultimately, legal fees are awarded by the court and the court will determine whether the fees are reasonable or not given state or federal caselaw or other statutory guidelines. *See California Civil Code §1717; Florida Statutes §§57.105, 120.595 and 768.79; and, Dulworth & Burress Tobacco Warehouse Co. v. Burress* (Ky. 196) 369 S.W. 2d 129.

If you operate an equine business like a corporation or even a sole proprietorship, actual paid legal fees are treated as a normal business expense under Section 162 of the Internal Revenue Code. If you are an amateur and you are engaged in equine activities without an intent to make a profit, then, any paid legal fees likely will not be allowed to reduce your ordinary income under Section 162 and by reason of the limitations imposed by Section 183 of the Internal Revenue Code. However, for tax years beginning before 2018 and after 2025 an individual, estate or trust may claim a miscellaneous itemized deduction for non-business legal expenses. (Internal Revenue Code Section 212; Reg. §1.212-1; IRS Pub. 529 (2017)). The deduction is subject to the 2% of adjusted gross income limit.

Given time it is likely you may become involved in a horse dispute. The dispute may be with a partner, a trainer, a boarding facility or a buyer or seller of a horse. Remember, if you do hire an attorney to assist you in the dispute identify if you are able to recover your attorneys’ fees and costs should you prevail in any lawsuit or arbitration. Your ability to recover legal fees from the opposing party and your ability to deduct those fees if you are required to pay legal fees of any kind should be part of any process involving a resolution of a dispute.

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